

**TIGARD CITY COUNCIL
MEETING**

APRIL 26, 2005 6:30 p.m.

**TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223**



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A

TIGARD CITY COUNCIL MEETING

6:30 PM

- STUDY SESSION
 - > Review and Discuss Council Groundrules
 - Interim City Manager Prosser
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(2)(d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. PROCLAMATION: Proclaim May 1-7 as Be Kind to Animals Week
 - Mayor Dirksen
3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 4.1 Approve Council Minutes for March 1, 8, and 15, 2005
 - 4.2 Receive and File:
 - a. Meeting Notes for March 29 Tigard City Council "Fifth Tuesday" Meeting
 - b. Annual Solid Waste Financial Report Findings
 - 4.3 Appoint Jim Bray & Rob Callan to the Tree Board – Resolution No. 05-____
 - 4.4 Accept the Land and Water Conservation Grant Award and Authorize the Mayor to Sign the Agreement Accepting Grant Funds
 - 4.5 Authorize the Mayor to Approve West Nile Virus Intergovernmental Agreement with Washington County
 - 4.6 Local Contract Review Board:
 - a. Award Contract for the Construction of McDonald Street Improvements
 - b. Award Contract for the Construction of the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 2
 - c. Approve Purchase of Mobile Data Computer Software and Hardware
 - 4.7 Approve Budget Amendment #13 to the FY 2004-05 Budget to Increase Appropriations in the Police Department for Purchase of Replacement Mobile Data Computer Software – Resolution No. 05-____
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. UPDATE – LIBRARY STRATEGIC PLAN
 - a. Staff Report: Library Staff
 - b. Council Discussion

6. AN ORDINANCE AMENDING TITLE 14 OF THE TIGARD MUNICIPAL CODE ADOPTING SECTIONS AN109.4.2 THROUGH AN109.4.3 OF THE STATE OF OREGON RESIDENTIAL SPECIALTY CODE – FIRE SPRINKLERS FOR APARTMENTS CONSTRUCTED UNDER THE RESIDENTIAL CODE AND INCLUDING DEMOLITION WITHIN THE SCOPE OF THE SPECIALTY CODES
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Ordinance No. 05-_____
7. COUNCIL LIAISON REPORTS
8. NON AGENDA ITEMS
9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
10. ADJOURNMENT

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CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE REVIEW OF COUNCIL GROUND RULES

PREPARED BY: Joanne Bengtson DEPT HEAD OK cl CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should the City Council adopt any changes to the Council Ground Rules?

STAFF RECOMMENDATION

Recommend review of the attached Council Ground Rules.

INFORMATION SUMMARY

During the study session portion of the September 28, 2004 Council meeting, Council gave direction for modification to the Council Ground Rules based on a conversation prompted by an analysis prepared by Joanne Bengtson of City Administration. A change was made to the visitor agenda portion of the Council meetings with Resolution 04-83 (see attached).

According to current Ground Rules: "Council Ground Rules will be submitted for review by Council at the July or August Workshop meeting. The Ground Rules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period."

With the election of November 2004 placing new members on Council, this is an opportunity to review the Ground Rules with the new Councilors.

OTHER ALTERNATIVES CONSIDERED

Make no changes to the current Ground Rules.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

1. Resolution 04-83 & Exhibit A.

FISCAL NOTES

There is no financial impact created by this action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-83

A RESOLUTION REVISING THE POLICY OF THE CITY COUNCIL REGARDING COUNCIL GROUND RULES AND VISITOR'S AGENDA PROCESS (SUPERSEDING RESOLUTION NO. 01-47)

WHEREAS, the Tigard City Council periodically reviews Council Groundrules; and

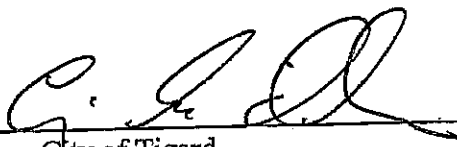
WHEREAS, the City Council, on September 28, 2004, directed that changes be made to "Exhibit A" of the City Council Groundrules and Visitor's Agenda Process; and

WHEREAS, it is the desire of the City Council to make the changes discussed, which will supersede Resolution No. 01-47.

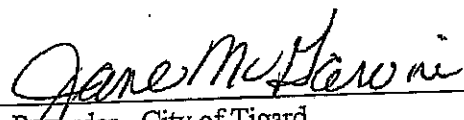
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby revises the Council Groundrules Visitor's Agenda as described in Exhibit "A" attached.

PASSED: This 26th day of October, 2004



Mayor, City of Tigard



City Recorder - City of Tigard

Jane McGarvin, Deputy City Recorder

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EXHIBIT "A"
Resolution No. 04-83

CITY COUNCIL GROUNDRULES AND AGENDA PROCESS

The following information is intended to assist with preparation for and the conduct of City Council meetings. The City Charter, Article IV, Section 13, contains regulations that govern Council meetings. The Groundrules describe the process followed by Council in scheduling and conducting meetings.

Council/Mayor Roles

- The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Presiding Officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager and all documents shall be attested to by the City Recorder. The Mayor shall appoint the committees provided by the Rules of Council.
- In all other actions, decisions and other matters relating to the conduct of business of the City, the Mayor or President shall have no more or less authority than any other Council member. For the purposes of this written procedure any reference to the Council (unless otherwise specifically noted to the contrary) will include the Mayor, President and Council members.

Conduct of City Meetings

- Council will meet at least once a month. Regularly scheduled meetings shall be on the second, third, and fourth Tuesdays of each month.
- The Council meetings on the second and fourth Tuesdays are "Business" meetings; the Council meetings on the third Tuesday of the month are "Workshop" meetings unless otherwise designated by the City Council.
- Unless specifically noted otherwise, the meetings of Council shall begin at 6:30 p.m. at the established place of meeting. On the second and fourth Tuesdays the meetings will begin with a Study Session following by the Business meeting. On the third Tuesday, the Workshop meeting will begin at 6:30 p.m.
- Roll Call/Voting Order: The roll shall be called in alphabetical order by last name. At each succeeding meeting at which a roll call vote is taken, the council person who voted last during the previous meeting, shall vote first and the Council person who

voted first during the preceding meeting shall vote second and so on in a rotating fashion. It is the intent that the voting order remain fixed for each meeting and that a different Council person shall vote last during each separate meeting for the duration of the meeting.

- Charter Section 19 provides that 'the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council.' A Council member who abstains or passes shall be considered present for determining whether a quorum exists, but shall not be counted as voting. Therefore, abstentions and 'passes' shall not be counted in the total vote and only votes in favor of or against a measure shall be counted in determining whether a measure receives a majority.
- The Chair, or other members if the Chair fails to remember, shall call for a Point of Order at or around 9:30 p.m. to review remaining items on the agenda with the Council. The Council may reset or reschedule those items, which it feels may not be reached prior to the regular time of adjournment.
- The Council's goal is to adjourn prior to 10 p. m. unless extended by majority consent of all Council members then present. If not continued by majority consent, then the meeting shall be adjourned to either the next scheduled meeting or the meeting shall be continued to a special meeting on another date.
- Definitions - Meeting Types, Study Sessions and Executive Sessions:
 - > **BUSINESS MEETINGS:** Business meetings are regular meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions & conducting public hearings. Business meetings are open to the public. The regularly scheduled business meetings are televised.

Business meetings are generally scheduled to begin at 7:30 p.m. with a study session preceding the Business Meeting at 6:30 p.m. Study Sessions are a workshop-type of meeting (see definition below) which also provide an opportunity for the Council to review the business meeting agenda and to ask questions for clarification on issues or on process. Study Sessions are open to the public.

All Council meetings are open to the public with the exception of Executive Sessions. Executive Sessions can be called under certain circumstances and topics are limited to those defined by ORS 192.660.

- The "Citizen Communication" portion of the agenda is a regular feature on the Council Business meetings. This item will be placed near the beginning of the Council Agenda to give citizens a chance to introduce a topic to the City Council. Citizen Communications are limited to two minutes in length and must be directed to topics that are not on the Council Agenda for that meeting.

- At the conclusion of the Citizen Communication period, either the Mayor, a Council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the Council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later Council meeting.

- > **WORKSHOP MEETING:** Workshop meetings are regular meetings where Council reviews and discusses agenda topics with no intent of deliberating toward a final decision during the meeting. Workshop meetings are not currently scheduled to be televised but are open to the public.

Workshop agenda items are generally topics which Council is receiving preliminary information on and providing direction for further staff analysis and information gathering for a later business meeting. Workshop topics may also include discussions with standing boards and committees, as well as other governmental units.

Appropriate topics for Workshop meetings include:

- ~ Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
- ~ Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e., is the issue on the right "track"?
- ~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest (examples: other Councils, the School District, and other officials).
- ~ Administrative Updates: Items such as calendar information, scheduling preferences, process checks.

- > **STUDY SESSIONS:** Study Sessions precede or follow a Business Meeting or Workshop Meeting. As stated above, they are conducted in a Workshop-type setting to provide an opportunity for Council to review the Business Meeting Agenda and to ask questions for clarification on issues or on process. Information is also shared on items that are time sensitive. During Study Sessions, any Council member may call for a Point of Order whenever he or she wishes to stop the "discussion" because he or she feels that it is more appropriate for the City Council to discuss the matter during the Council meeting. If a Point of Order is raised, the City Council will discuss the Point of Order and determine whether the "discussion" should continue on or be held during the Council meeting. The decision on whether to continue the "discussion" or not shall be determined by the majority consensus of the Council members present. If Council discusses a Council Agenda Topic in a Study Session

prior to that Council meeting, either the Presiding Officer or City Manager will briefly state at the introduction of the Agenda Topic, the fact that Council discussed the topic in the Study Session and mention the key points of the discussion.

- > EXECUTIVE SESSIONS: Meetings conducted by the Council, City Manager, and appropriate staff for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting after the Presiding Officer has identified the ORS authorization for holding the Executive Session. Among the permitted topics are employment of a public officer, deliberations with the persons designated by the Council to carry on labor negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

Policy Regarding Interrelationships Between the City Council and Its Appointed Commissions, Boards or Committees (hereinafter referred to as "Boards")

- The Council shall follow the Procedure for Recruitment and Appointments to Boards and Committees established in Resolution No. 95-60.
- Appointments to any committees not covered by Resolution No. 95-60 shall be made following the procedure provided within the Resolution or Ordinance, which created the committee.
- Appointments to intergovernmental committees shall be made by Council Action.
- Appointments of Council members to internal City committees as the Council Liaison shall be made by the City Council.
- It is Council policy to make known to the public, by notice in the Cityscape, of the occurrence of vacancies on City boards for the purpose of informing persons who may be interested in appointment.
- Council will entertain regular representation by persons outside the City on those boards, which provide for such non-city membership.
- The Mayor and one Council member will serve on the Mayor's Appointment Advisory Committee for the purpose of interviewing and recommending potential board members. Council members will serve on this Committee with the Mayor on a rotated basis for a term of six months. Terms shall begin January 1 and July 1.

Communications Between City Councilors, City Manager and Staff

- Councilors are encouraged to maintain open communications with the City Manager, both as a group and individually in one-on-one sessions.
- Councilors are encouraged to direct inquiries through the City Manager, giving as much information as possible to ensure a thorough response.

- In the absence of the City Manager, Councilors are encouraged to contact the Assistant to the City Manager. In the absence of both the City Manager and the Assistant to the City Manager, Councilors are encouraged to contact the Department Head, realizing that the Department Head will discuss any such inquiries with the City Manager.
- Contacts below the Department Head are discouraged due to the possible disruption of work, confusion on priorities, and limited scope of response.

Council Agendas and Packet Information

- The City Manager will schedule agenda items while attempting to maintain balanced agendas to allow for discussion of topics while meeting the established 10 p.m. adjournment time.
- The City Manager will schedule items allowing time for staff research and the agenda cycle deadlines.
- The agenda cycle calls for submittal of items 10 days in advance of a Council meeting. Add-ons are to be minimized, as well as handouts distributed at the start of meetings, except Executive Sessions.
- Councilors and staff will prepare in advance of public meetings and issues should be presented fully in packets.
- Council is supportive of the role staff should play in offering professional recommendations. Staff is aware of Council's right to make final decisions after considering the staff recommendation, public input, the record and Council deliberation on the matter.

Communications Among Councilors

- Councilors are encouraged to suggest agenda topics at the bench or to contact the City Manager about scheduling an item into the Tentative Agenda.
- Add-on Agenda items should be brought up at the start of the meeting and generally considered only if continuing to a later agenda is not appropriate.
- Requests for legislative action of Council may be initiated by an individual Council member during a Council meeting. The City Manager will respond to the request consistent with resources and priorities, or refer the question of scheduling to Council as a whole.

Communications with Community/General Public

- Councilors and the General Public are reminded of the Agenda cycle and cut-off dates. Administrative staff is available to explain how public issues are handled and how citizen input may be accomplished.

- "Official" communication should come through City Hall and be provided by the City Manager. Direct submittal or inquiries to the Council or individual Councilors should be referred to the City Manager or Councilors may ask the City Manager to look into an issue.
- Official "press releases" are encouraged, both to assure accurate reporting and to advise Council and Staff of the official position communicated to the press. Press releases are through the City Manager's Office.

General

- Councilors are always Councilors in the eyes of the Administration, never simply private citizens. Thus, Councilors are always treated by Administration as Council members.
- Information that "affects" the Council should go to Council. The City Manager is to decide on "gray areas," but too much information is preferable to too little.
- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.
- It is the policy of the Council that if Councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then Councilors have no comment.
- Councilors and the City Manager agree to report and discuss any contact, which might affect labor relations with the entire Council in Executive Session.
- The Council Groundrules will be submitted for review by Council each year either in the July or August Workshop Meeting. The Groundrules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.

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PROCLAMATION

Be Kind to Animals Week

WHEREAS, Oregonians benefit tremendously from our animal friends, who give us companionship and great pleasure in our daily lives; and

WHEREAS, we have a firm responsibility to protect these fellow creatures from need, pain, fear and suffering; and

WHEREAS, we recognize that teaching attitudes of kindness, consideration and respect for all living things through humane education in the schools and the community helps to provide the basic values on which a humane and civilized society is built; and

WHEREAS, we are deeply indebted to the Oregon humane societies for over 100 years of invaluable service in caring for homeless animals, instilling humane values in our children through education programs, and promoting a true working spirit of kindness and consideration for animals in the hearts and minds of all people; and

WHEREAS, we depend greatly upon our animal control agencies, veterinarians and other organizations that provide humane care for animals; and

WHEREAS, May 1 – 7, 2005 is set aside to observe nationally the philosophy of kindness to animals.

NOW THEREFORE BE IT RESOLVED THAT I, Mayor Craig Dirksen of the City of Tigard, Oregon, do hereby proclaim the week of May 1 – 7, 2005 as

Be Kind to Animals Week

in Tigard, Oregon and urge our citizens, businesses and organizations to join in this observance.

Dated this _____ day of _____ 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig Dirksen, Mayor
City of Tigard

Attest:

City Recorder

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
March 1, 2005

- Mayor Dirksen called the meeting to order at 6:30 p.m.
- Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.
- 1. EXECUTIVE SESSION: The Tigard City Council went into Executive Session to discuss the employment of a public officer and labor relations at 6:30 p.m. under ORS 192.660(2)(a) and (2)(d).

Executive Session concluded at 8:28 p.m.

Meeting reconvened at 8:35 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

- Administrative Items
 - > After brief discussion, Council consensus was that it would like to continue to receive Board & Committee Monthly Reports.
 - > Chamber Good Morning Tigard – Thursday, April 7, 7:30 -8:30 a.m. in Town Hall – Mayor Dirksen and Councilor Harding will attend.
 - > Tigard Times Edition – “People You Should Know” for *Portrait* publication – After brief discussion, Council consensus was to feature City of Tigard Board and Committee members.

2. DISCUSSION – CITY MANAGER RECRUITMENT

Human Resources Director Zodrow reviewed the draft City Manager recruitment brochure with City Council. Council discussed with Ms. Zodrow whether to use an executive search firm, the City of Tigard Human Resources Department staff, or a combination of the two. After discussion, consensus was for the Human Resources Department staff to conduct the recruitment.

Council members discussed the general process; highlights of their “brainstorming” remarks follow (note the following notes represented ideas offered by individual City Council members and do not necessarily indicate Council consensus, but were offered to Human Resources Director Zodrow as she develops information for future Council consideration):

- The recruitment announcement should be sent to both public (i.e., ICMA) and private organizations.

- Council members commented on the profile of what they would be looking for in a City Manager. Each Council member rated each area "high," "medium," or "low." Human Resources Director Zdrorow tabulated these ratings. (Examples of areas rated included education, experience, community relations, administrative ability, communications, budget, human resource, labor relations, economic development, and innovation.)
- Council members reviewed elements of a candidate assessment center, which could include four to five exercises over the course of one day. Examples of exercises include a mock City Council meeting with a presentation from the candidate, facilitating a citizen meeting, and a written exercise.
- Council members commented on the experience they would be interested in seeing in candidates:
 - experience with economic development or urban renewal;
 - do not need to have a City Manager background; that is, look "outside the box." The private sector should not be excluded; a successful candidate should possess a high level of executive administrative experience (a senior-level manager).
- Communication skills: articulates well both verbally and in writing – a good public communicator; writing is succinct.
- Community relations: ability to deal with diverse contacts including volunteers and day-to-day public contacts. Promotes expanding public outreach. Is able to handle controversy and different points of view (inclusive).
- Economic development – comments for this area included:
 - have expertise in this area
 - experience with urban renewal
 - ability to work with businesses
 - a "planner"
 - ability to look at the "big picture"
 - understand the economies of the organization
 - is knowledgeable about how to recruit businesses in order to compete with nearby cities
- Innovation – comments for this area included:
 - creative solutions for problems (demonstrated by candidates previous successes)
 - new approach
 - ability to see the "big picture"; not a "micromanager"
 - delegates

- Land use – comments for this area included:
 - due to the number of land use issues facing the City, a successful candidate should have experience and background in land use;
 - an understanding of urban renewal; would be interested to someone who was in the private sector (“on the other side of the fence”) and participated in an urban renewal project;
 - someone who has experience in getting a “nice” project off the ground.

Human Resources Director Zodrow advised she would develop material for Council’s review based on the comments she heard. With regard to the posting of the recruitment advertising language, Council consensus was that a salary dollar amount should not be posted. There was discussion about the use of performance measures and goal setting. Human Resources Director Zodrow noted she could include a statement about the generous benefit package. It will be noted that this position participates in the ICMA retirement plan (not PERS). This will be a national recruitment. The proposed timeline Ms. Zodrow outlined was acceptable to the City Council. Ads for this position will include national organizations for both the private and public sectors. Ms. Zodrow confirmed with the City Council that she could assure candidates that their names would be kept confidential for the first two rounds of candidate selection/elimination (as confirmed with the City Attorney).

3. ADJOURNMENT: 9:43 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
MARCH 8, 2005

• STUDY SESSION

Mayor Dirksen called the meeting to order at 6:32 p.m.

City Council present: Mayor Dirksen; Councilors Harding, Sherwood (arrived at 6:37 p.m.), and Wilson. Councilor Woodruff was absent.

- > ADMINISTRATIVE ITEMS - Interim City Manager Prosser reviewed the following with the City Council:
- a. Distributed hard copy of tonight's agenda to City Council.
 - b. Noted a change to Item 3.3 – Request should be to "Adopt new collective bargaining agreement between City and TPOA (Tigard Police Officers Association) and authorize the *City Manager* (rather than the Mayor) to sign the agreement."
 - c. Meeting with Tigard Tualatin School District Board and City of Tualatin City Council scheduled for April 4, 2005. Interim City Manager Prosser suggested starting this meeting at 7 p.m.
 - d. City Council agreed, as suggested by Interim City Manager Prosser, to hear a Council Goal Update on April 4 before the Joint Meeting. The goal update portion of the meeting will begin at 6 p.m.
 - e. Strategic Finance Plan review was rescheduled to the April 19, 2005, City Council workshop meeting.
 - f. Information was distributed regarding a request to officially designate a Vietnam Flag. Interim City Manager Prosser reviewed the request to adopt the flag that flew over South Vietnam as the official flag of Vietnam. The request comes from the Vietnamese community in the United States. Beaverton and Portland have adopted as requested. Councilor Wilson said he would generally prefer to stay out of foreign policy, but does not philosophically oppose this request. Mayor Dirksen said he had mixed feelings about this request and said he was unsure of what was being sought. Consensus was that the City Council would review this request at a later date.
 - g. Mr. Dave Nicoli had indicated he would attend the business meeting tonight to address the City Council about the upcoming Balloon Festival; however, Mr. Nicoli will not be able to attend the meeting and will reschedule.
 - h. Information was distributed on a request to support Senate Bill 899, Tax Supervising and Conservation Commission. Interim City Manager Prosser noted Oregon law for the Commission, which applies now to

only Multnomah County. It is a very old law (1912) before a lot of citizen participation and local budget law and applies to counties greater than 500,000 in population. Washington County is likely to reach that number soon. Washington County is sponsoring the legislation that would make a TSCC permissible rather than mandatory. The budget process now followed is working fine. After brief discussion, consensus of City Council was to support SB 899.

- i. Youth Advisory Council President Rob Williams will not attend the Council meeting tonight due to a conflict with a school activity.
- j. City Council confirmed it would not require staff for the 5th Tuesday meeting on March 29. City Council also confirmed it would like to have Stacie Yost facilitate this meeting.
- k. Interim City Manager Prosser distributed the Council Groundrules for review. If any changes are needed, he asked the City Council members to contact staff.
- l. LOC – New officials training – Councilor Harding attend this training; she noted that several of the items reviewed had already been covered by Tigard's legal counsel.
- m. City Council discussed the request by Representative Galizio to hold a Town Hall at the City Council's 5th Tuesday meeting on March 29. Senator Burdick will be invited to attend as well. After discussion, the City Council decided to leave the meeting format open, with no specific agenda items listed. Staff will announce the 5th Tuesday meeting on the City's website, community connector announcements, etc.
- n. Calendar Review
 - March 15: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - March 22: Council Business Meeting – 6:30 p.m. – Town Hall
 - March 29: 5th Tuesday Council Meeting – 7 p.m. – Water Auditorium
 - April 4: Special Meeting - Library Community Room
 - 6-7 – Goal update (staff)
 - 7 – Joint Meeting with Tigard-Tualatin School Board and City of Tualatin City Council
 - April 12 Council Business Meeting – 6:30 p.m. – Town Hall
 - April 19 Council Workshop Meeting – 6:30 p.m. – Town Hall
 - April 25 Budget Committee Meeting – 6:30 p.m. – Library Community Room
 - April 26 Council Business Meeting – 6:30 p.m. – Town Hall
- o. Council members agreed to pull Agenda Items 3.3 to 3.5 off the Consent Agenda as suggested by Mayor Dirksen so the public can hear some discussion on these items.

> CITY COUNCIL ORIENTATION

- City Attorney Ramis presented orientation information on persona/municipal liability, and state ethics rules. The outline of

information used by Mr. Ramis for this presentation is on file in the City Recorder's office.

During the discussion on gifts and honoraria, Mayor Dirksen noted that he had been invited by a group to speak at a session held in California, with expenses paid. After checking with the Oregon Government Standards and Practices Commission (OGSPC), an expense-paid trip for this purpose would violate the State's ethics regulations; therefore, the Mayor did not attend.

Mr. Ramis advised that an informal (not binding) opinion can be issued by OGSPC. A formal, binding opinion can be requested from the OGSPC, but it usually takes a long time.

Councilor Harding advised she recently attended a session sponsored by the League of Oregon Cities (LOC) where it was recommended that officials should with their City Attorney or the LOC staff attorney on an ethics question. Such consultation could mean that if a claim is made the insurance deductible (\$2,500) would be waived.

After brief discussion about disclosing a site visit to a property that is the subject of a quasi-judicial hearing, City Attorney Ramis encouraged the City Council members to report the visit and, if the Councilor noticed anything that would influence his or her decision, to mention it.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:12 p.m. to discuss pending litigation under ORS 192.660(2)(h).
- > Executive Session concluded at 7:25 p.m.
- 1. BUSINESS MEETING
 - 1.1 Mayor Dirksen called the meeting to order at 7:31 p.m.
 - 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, and Wilson; Councilor Woodruff was absent.
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports - none
 - 1.5 Call to Council and Staff for Non-Agenda Items

An Executive Session will be required at the end of the business meeting.

2. CITIZEN COMMUNICATION

- Tigard High School Student Envoy Nikki Pham presented an update of activities at Tigard High School; an outline of activities was distributed to the City Council.
- Follow-up to Previous Citizen Communication

Interim City Manager Prosser advised that a representative of CPO 4B had appeared before the City Council to invite Tigard staff members to its meetings. Mr. Prosser advised that the policy of the City with regard to the participation of Tigard staff at the CPO 4B would be routed through the County.

Interim City Manager Prosser referred to a request for research on an offer of donation open space property in the Ash Creek Estates area. Mr. Prosser said he had asked the Public Works Director to contact the developer to determine if a donation offer was still open. If such a donation is possible, staff will bring this matter to the City Council on April 19, as the City Council discusses park acquisition policies.

Interim City Manager Prosser noted the other citizen communications included an invitation to a tree planting event and citizen's concerns about how development is occurring in Tigard and surrounding areas. This citizen had been invited to participate in the Comprehensive Plan amendment process.

3. CONSENT AGENDA:

Interim City Manager Prosser reviewed the items listed on the Consent Agenda:

- 3.1 Approve Council Minutes for October 1, 2004 and January 25, 2005
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda

(Items 3.3 to 3.5 were considered separately by Council; see below.)

- 3.6 Approve Budget Amendment No. 11 to the FY 2004-05 Budget to Increase Appropriations for Funding the City Manager Separation Agreement – Resolution No. 05-13

RESOLUTION NO. 05-13 – A RESOLUTION APPROVING BUDGET AMENDMENT NO. 11 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF THE CITY MANAGER SEPARATION AGREEMENT

- 3.7 Approve Intergovernmental Agreement between Washington County and the City of Tigard for Administration of Urban Area Security Initiative (UASI) Grant Program
- 3.8 Appoint Theodora (Teddi) Duling to the Planning Commission to Complete the Term Initiated by Scot Sutton – Resolution No. 05-14

RESOLUTION NO. 05-14 – A RESOLUTION APPOINTING THEODORA (TEDDI) DULING AS A MEMBER OF THE PLANNING COMMISSION TO COMPLETE THE TERM INITIATED BY SCOT SUTTON

3.9 Local Contract Review Board:

- a. Approve Purchase of Mobile Data Computers (MDCs)
- b. Award Structural Plan Review Services Contract to Miller Consulting Engineers, Inc.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda, with Items 3.3 to 3.5 being removed for separate consideration.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

Mayor Dirksen recognized Theodora (Teddi) Duling who was present and had just been appointed to the Planning Commission (Consent Agenda Item 3.8). Mayor Dirksen presented Ms. Duling with a City of Tigard lapel pin.

Mayor Dirksen noted that Consent Agenda Items 3.3 to 3.5 would now be discussed:

- 3.3 Approve New Collective Bargaining Agreement between the City and Tigard Police Officers Association (TPOA) and Authorize the Mayor City Manager to Sign
- 3.4 Approve Tigard Police Officers Association (TPOA) Addendum G Side Letter Creating a New and Additional Special Assignment Pay to the City of Tigard TPOA Bargaining Unit
- 3.5 Approve Budget Amendment No. 10 to the FY 2004-05 Budget to Increase Appropriations for Funding of the Tigard Police Officer Association (TPOA) Labor Agreement – Resolution No. 05-12

RESOLUTION NO. 05-12 – A RESOLUTION APPROVING BUDGET AMENDMENT #10 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS FOR FUNDING OF THE TIGARD POLICE OFFICER ASSOCIATION (TPOA) LABOR AGREEMENT

Human Resources Director Zodrow and Police Chief Dickinson were present to review these items and answer any questions by City Council.

Human Resources Director Zodrow reviewed Item 3.3. Ms. Zodrow advised that negotiations have been underway for some time, including a recent interest arbitration. Awards from interest arbitration are subject to implementation per the collective bargaining act. The arbitrator's award was issued February 13, 2005, and the TPOA agreement reflects the implementation of this award. Ms. Zodrow outlined changes to the agreement including the health insurance plan, health insurance contributions and a cost-of-living adjustment of 2.2% retroactive to July 1, 2004. Staff is asking the Council to implement the arbitration award and adopt the TPOA agreement.

Human Resources Director Zodrow and Police Chief Dickinson reviewed Item 3.4. This item is an addendum to the TPOA agreement. Police Chief Dickinson reviewed the history precipitating this side letter. The side letter represents a compromise between the Union and the City. Staff requests Council approve the side letter.

Item 3.5 was reviewed by Human Resources Director Zodrow. This item presents the budget amendment necessary to implement the TPOA agreement if approved by the City Council.

Motion by Councilor Sherwood, seconded by Councilor Harding, to approve Consent Agenda Items 3.3 through 3.5.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

4. INFORMATIONAL PUBLIC HEARING – FINALIZE FORMATION OF SANITARY REIMBURSEMENT DISTRICT NO. 30 (SW 121st AVENUE)
 - a. Mayor Dirksen opened the public hearing.
 - b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
 - c. Public Testimony - None
 - d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 30.
 - e. Council Discussion – Mayor Dirksen noted this was the continuation of a five-year program to install sewers throughout the City and to support citizens who wanted to hook up to sewer. City Engineer Duenas noted that this program was also instituted as a commitment made to the Walnut island area when this area was annexed.
 - f. Mayor Dirksen closed the public hearing.
 - g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-15.

RESOLUTION NO. 05-15 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 30 (SW 121ST AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

5. INFORMATIONAL PUBLIC HEARING – FINALIZE FORMATION OF SANITARY REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET, 100TH AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 27.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-16.

RESOLUTION NO. 05-16 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 27 (SW MURDOCK STREET, 100TH AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

6. INFORMATION PUBLIC HEARING – FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 34 (SW 117TH AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.

- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No.34.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-17.

RESOLUTION 05-17 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 34 (SW 117TH AVENUE)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

7. INFORMATION PUBLIC HEARING – FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 31 (SW O'MARA, EDGEWOOD STREETS)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented a PowerPoint presentation outlining the highlights of his staff report.
- c. Public Testimony - None
- d. Staff Recommendation: Approve the proposed resolution to finalize formation of Sanitary Sewer Reimbursement District No. 31.
- e. Council Discussion – None
- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration:

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 05-18.

RESOLUTION NO. 05-18 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 31 (SW O'MARA, EDGEWOOD STREETS)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

8. CONSIDER PROPOSED LOCAL IMPROVEMENT DISTRICT (LID) FOR 79TH AVENUE IMPROVEMENTS

- a. Staff Report: City Engineer Duenas reviewed a PowerPoint presentation outlining the highlights of his staff report. A copy is on file in the City Recorder's office. Mr. Duenas advised that proposed development occurring in this area is requesting this LID.

The PowerPoint presentation reviewed by Mr. Duenas included the following information:

- 79th Avenue
 - neighborhood route
 - connects Bonita Road and Durham Road
 - sags and crests on the north half require vertical realignment
 - existing street is extremely deteriorated and needs reconstruction
 - lacks sidewalks and shoulders
- Vicinity maps.
- Photos of the street.
- A summary of the proposed LID formation.
- A summary of the LID process
- Alternatives Considered:
 - Alternative #1 – extends the improvements to just north of Gentle Woods Drive
 - Alternative #2 – stops about 500 feet north of the Alternative #1 project limits
- A drawing of the alternatives considered.
- A review of the existing street design.
- An evaluation of the advantages and disadvantages of LID formation.
- A list of issues.
- Estimated costs for Alternatives 1 and 2.
- Feasibility of the LID
 - The LID appears feasible
 - LID costs can be covered by the value of the properties regardless of which alternative is selected.
- Next step:
 - Prepare Preliminary Engineer's report
 - Would examine the proposed LID in greater detail.
- Next step:
 - Preliminary Engineer's report would include Scope of work

Proposed district boundaries
Estimated costs
Other relevant information
Recommendation for approval, approval with
conditions, or denial.

- If Council approves
 - Resolution would be prepared for Council's consideration
 - Directing staff to prepare a Preliminary Engineer's Report.
 - Budget adjustment to fund the preparation of the report.
- Recommendations (staff)
 - Authorize the preparation of a resolution to prepare a Preliminary Engineer's Report.
 - Authorize the establishment of a funding mechanism for the report using Gas Tax Fund as the funding source.

City Engineer Duenas noted this is the first step in the process for this LID request. Mr. Duenas noted that all property owners in the proposed LID area have not been contacted. Staff will contact these owners if the City Council gives the staff the authority to proceed with the next step for this LID. During his presentation, Mr. Duenas advised that the cost for the preliminary engineer's report does not look very large because there are only a few months remaining in this fiscal year. There will be additional funding reflected in the next fiscal year's budget.

b. Council Discussion

In response to a question from Councilor Wilson, City Engineer Duenas noted that 79th Avenue is a "neighborhood route." Mr. Duenas clarified that the use of the terminology "minor collector street" has been discontinued. City Engineer Duenas noted that bike paths are required on all streets, except for local streets, unless an exception has been approved. City Engineer Duenas said 79th Avenue would provide a good connection for bicyclists. He clarified that bike lanes must be put in on both sides of a street.

Mayor Dirksen recalled that a street improvement on 79th Avenue had been a contentious issue as neighbors were concerned about increased through-traffic. He said their concern might be alleviated because of the downgrade

of the street to a "neighborhood route," which would be more to scale for the needs of the neighborhood.

City Engineer Duenas reviewed for the City Council the lots would be affected by the LID. Councilor Harding expressed concerns this request for an LID. In response to a comment about having the developer pay for the engineering, City Engineer Duenas explained that the property owners would pay for the costs associated with an LID, with the City providing the up front costs. A 66-2/3 percent remonstrance against the LID would "kill it."

There was discussion on what would occur if the LID was not put into place. The developer would be required to do half-street improvements. An LID, according to City Engineer Duenas, would allow the City to proceed with full street improvements.

Discussion included concerns about future homes having direct access to 79th Avenue. Also discussed were problems that would occur resulting from infill and piecemeal street improvements.

City Engineer Duenas noted his preference for Alternative #1. He noted that the developer requesting the LID would be paying for a large portion of the LID. Smaller lots pay a proportionate share of the costs.

In response to a questions from Councilor Sherwood, City Engineer Duenas noted he believed this LID would improve the value of the properties in the area.

In response to a question from Councilor Wilson, City Engineer Duenas acknowledged that there would be some steep driveways. Questions for fair compensation for right-of-way would be addressed through the right-of-way appraisal process.

Councilor Harding commented that she was not certain that this LID would increase property values because of the increase of pass-through traffic.

There was discussion that followed on the implementation of the Transportation System Plan in response to a concern raised by Councilor Harding about setting priorities for projects. Councilor Harding noted, as an example, that McDonald Street still did not have sidewalks.

Mayor Dirksen noted that 79th Avenue will have greater local traffic with the new development.

Mayor Dirksen reminded the City Council that this discussion did not constitute a hearing; rather, the issue before Council was to provide

direction to staff on whether or not to move forward with the next step for this LID.

In response to a question from Councilor Harding regarding the funding of the engineering work with gas tax dollars, City Engineer Duenas said that a budget adjustment would be presented to the City Council on April 12 so the staff could move forward with the selection of a consultant to do the design work. Preliminary engineering costs will be recouped from property owners if the LID is formed. If the LID is not formed, then the costs would not be recouped.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to direct staff to continue with the development of the proposed 79th Avenue Local Improvement District.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes

9. COUNCIL LIAISON REPORTS: None
10. NON AGENDA ITEMS: None
- > Business meeting concluded at 8:28 p.m.
11. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:33 p.m. to discuss pending litigation under ORS 192.660(2)(h).
12. ADJOURNMENT: 9:16 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
March 15, 2005

1. WORKSHOP MEETING

- 1.1 Mayor Dirksen called the meeting to order at 6:31 p.m.
- 1.2 Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items

2. JOINT MEETING WITH LIBRARY BOARD

Library Board Members Present:

Marvin Diamond
Sue Kasson
Brian Kelly
Ruthanne Lidman – Alternate
Jane Smith
Suzan Turley, Chair

Library Director Barnes introduced this agenda item. She noted that this is the City Council's annual meeting with the Library Board.

Library Director Barnes introduced Library Board Chair Suzan Turley. Ms. Turley then introduced the other Library Board members who were present.

Ms. Turley thanked the City Council for its support of the new library. She noted that people are thrilled with the new space. The library has three and one-half times more space than the old library.

Board member Diamond reviewed statistics regarding the new library. Since opening, the library has experienced a 31 percent increase in visitors – more than 200,000 visitors have accessed the library since its opening. Reference desk transactions are up more than 70 percent and library checkouts are up 14 percent. The number of print and audio visual items processed is up over 20 percent – more than 260,000 items have been processed. Mr. Diamond noted appreciation for the City Council's support of the library.

Library Board member Kelly noted that the Library offers lifelong learning opportunities and bedrock services for the community. Library programs and services are offered to all ages. Mr. Kelly reviewed some of the programs available.

Board member Kasson reviewed that the library has been open from 1-5 p.m. during the last two Sundays. Ms. Kasson referred to a recent survey wherein 71 percent of those participating in the survey requested that Sunday hours be added to the library. On March 6 and 13, approximately 905 people came to the library.

Board member Smith reviewed the results of the recent public survey for the library. This information obtained from the community is important so that the Library Board knows how the community feels about the services being provided. 2,830 surveys were completed this year and were available both in English and Spanish. Last year, 1,265 surveys were completed. Of those who responded, 49 percent used the library four or more times per month. Patrons were asked if they found the materials they were looking for when they came to the library: 31 percent said "always," 61 percent said "sometimes," and only .75 percent answered "never." Of those survey respondents who used the reference desk, 97.5 percent rated the service received as excellent or good. 97.5 percent of the respondents who use the check-out desk rated the service as excellent or good.

Mayor Dirksen noted the accessibility of the reference desk, which is much better than the old library.

Library Board Chair Turley, again, noted her appreciation of the City Council and the City staff.

There was some discussion on the peripheral library amenities including the coffee bar and the community room. From the survey comments, people were pleased with the coffee bar. Library Director Barnes noted the community room is available for the public's use; its use is scheduled through city offices. This room has been used for regional training by government agencies as well as by private groups for functions.

In response to a question from Councilor Woodruff about the rental income from the library as a potential source for funding library services on Sundays, Interim City Manager Prosser noted that the rate established for the community room was only enough to recover costs for utilities and janitorial services.

The library board is working on a Strategic Plan. This information will be presented to the City Council at a later date.

3. JOINT MEETING WITH SKATE PARK TASK FORCE

Skate Park Task Force members present for this agenda item: Rich Carlson and Pat Biggs. Staff members present for this agenda item included Public Works Director Koellermeier and Parks Manager Plaza.

Public Works Director Koellermeier introduced this agenda item.

Task Force member Rich Carlson reported to the Council on the work to get ready for fundraising. At a recent meeting, there were a number of volunteers who agreed to contact about 80 businesses to raise money for the skate park.

A packet of information on the fundraising effort was distributed the City Council. The theme is "Get on Board!" for the Jim Griffith Memorial Skate Park. Fundraising strategies were briefly reviewed with the City Council. Mr. Carlson noted that Mayor Dirksen had signed a letter that would be sent to businesses. There is a plan to publicize the names of those who make a contribution to the skate park. Ms. Biggs noted that, in the packet distributed to the City Council, there is a contribution pledge form. The information contained in the packet was reviewed with the City Council. Councilor Sherwood said it was important to remember to ask those with whom you come in contact about whether they would be willing to make a contribution to the skate park.

Mr. Carlson noted that fundraising will continue through May 2005.

Information about the Skate Park will be included in the next issue of Cityscape. The skate park article will feature some information about the park as well as asking people to "Get on Board!"

Laura Tietz has donated her time for the graphic design work.

The Board members discussed with the City Council the fundraising activities to date and solicited ideas from the Council about how volunteers could make contacts. Mr. Carlson asked for help from City Council members in raising funds.

Ms. Biggs is coordinated the list of people contacted.

Public Works Director Koellermeier noted that an update on the grant application for skate park funds will be coming to the City Council in April. City Council must give staff the authority to apply for the grant is needed. The grant funds come from state lottery dollars. The grant, if received, would be used to match the pledge of \$150,000 by the City.

Public Works Director Koellermeier advised that General Contractor Doug McDowell will help the City of Tigard work on this project. Mr. McDowell will coordinate the commercial/corporate sponsorships and donations of construction materials.

Public Works Director Koellermeier referred to the concept plan. A company by the name of "Dream Land" will create the set of plans which will make it possible to request and obtain permits. The plans will also show a timeline for construction.

Parks Manager Plaza reviewed the proposed schedule, which would be to apply for the State grant in April. By June, it will be known whether or not the City was successful in receiving the grant. Money from the grant would be available in the fall of 2005 and it is anticipated the skate park would be open by June 2006.

In response to a question from Councilor Wilson, Public Works Director Koellmermeier noted the need to work with the contractor to determine what materials can be provided by donation and those materials that the contractor would need to provide. A system needs to be devised to assure that items donated are available when needed. Mr. Carlson noted that Mark Scott would also be helping with the coordination of donations. Councilor Wilson said he could also help with a list of contacts for construction materials.

City employee, Marco Cabanillas, has offered to volunteer to work on the skate park.

4. JOINT MEETING WITH DOWNTOWN TASK FORCE/DOWNTOWN PLAN UPDATE

Downtown Task Force Members Present: Janice Arave, Carolyn Barkley, Martha Bishop, Marland Henderson, and Mike Marr

Staff present for this item: Community Development Director Hendryx, Planning Manager Shields, Associate Planner St. Amand.

Community Development Director Hendryx introduced this agenda item and distributed to the City Council a Downtown logo button. Highlights of the presentation made by Community Development Director Hendryx are contained on a PowerPoint handout; the presentation is on file in the City Recorder's office.

Council received handouts during the presentation and discussion that followed. Handouts included: a brochure entitled, *Your Tigard, Your Downtown*; a packet of materials entitled, *Community Dialog Packet*. In addition, a *Refined Design Alternative* map was reviewed with the City Council.

Staff, when reviewing the *Refined Design Alternative* map, noted the reality of the plan will depend on whether the market will respond to the plan. There are many things the City can do to jumpstart the plan in the implementation stages. The downtown area consists of 140 properties, with 107 property owners. Most of the property owners have been in the City for a long time. Ten percent of the property owners are out-of-state; while 88 percent are from the Metro area or are located within the state. Two-thirds of the people in the downtown area have not been involved in the planning for the downtown area. Communication tools used have included newspaper notices, fliers, and focus meetings. There is some frustration

that there has not been more involvement. The Task Force will continue to outreach to the downtown property owners.

A meeting was held last week regarding a potential extension of Ash Street. The neighbors that attended this meeting were opposed to the extension. This connection is shown in the Transportation System Plan. The Downtown Plan is not dependent upon the Ash Street extension; however, developers have advised that access and visibility to the downtown are highly important.

Decisions will be needed on how the Plan will be implemented. Measure 37 complicates and raises additional issues. Funding of the Downtown Plan would include formation of an urban renewal district. However, it was noted that the Downtown Plan is distinct from an Urban Renewal Plan. The Downtown Plan is a land use document.

Task Force Chair Marr noted that there are approximately 22 members of the Downtown Task Force who represent a wide variety of perspectives. Mr. Marr advised that Tigard is one of the last communities to set a Downtown Plan in place and said that he believes the Tigard community is suffering because of this. He advised that people do not feel there is community center and he would like to see this corrected. Mr. Marr said the Downtown could have a unique identity where people could spend their time and dollars. He noted the additional employment opportunities that could be made available. He acknowledged there would be issues to work through including the Ash Avenue extension and the railroad crossings. The plan calls for rebuilding most of the Downtown except for Main Street and City Hall; however, the Task Force wanted to make sure that no property or business owner would be on the "losing end of the stick." Relocation of businesses would not be the first choice – the Task Force members want to minimize impacts on business and property owners.

Mr. Marr noted that there are a lot of issues that are yet to be decided upon – but there's a need to "start from somewhere." He said that the Task Force felt it would be reasonable to first layout a drawing of what "might be" and then refine the plan. Plan implementation will need to be market driven and developers will need to be certain of the Plan's viability before they will invest. Recently several large developers were contacted (including Commercial Realty Advisors, PacTrust, OPUS Northwest, Gramor Development NW, Specht Development, GSL Properties, and Center Oak Properties). Their comments included suggestions about the need for visibility of the downtown area. The developers said this is an ambitious plan overall, which balances diversity.

Mayor Dirksen referred to the Washington County work on an urban renewal plan for the Highway 217 corridor. In the County's study, the mixed uses for residential and commercial for the downtown area were supported.

Planning Manager Shields noted there is excitement about the Downtown Plan – for what's uniquely Tigard and the basic concept of the "green heart of Tigard." There is concern about the need for more parking and the constraints on access from Hall Boulevard and 99W. It is anticipated that the Main Street area will remain much as it is now. New development will complement the Main Street development.

Councilor Woodruff noted that the Downtown Plan drawing shows the clearest vision that he has seen so far with regard to concepts for the downtown. He referred to the Vision Task Force recommendation that the downtown become the gathering place for community activities such as the Saturday Market. He noted support for use of the Fanno Creek area for family friendly events.

Community Development Director Hendryx referred to a community dialog packet, which gives information on projects that the community and consultants say are key.

There was some discussion of the "branding Tigard" efforts for both the downtown and the City of Tigard (which is being pursued as part of a City Council goal).

Councilor Wilson noted he attended a December meeting regarding the downtown. He said the drawing appears to have changed since then. He commented that it looked as if the Task Force backed off on density. Community Development Director Hendryx responded that the current map is a more site-specific plan. There is a need to develop more parking. Planning Manager Shields noted that the number of units that will be available in the downtown is not yet known – a variety of housing options could be pursued. Councilor Wilson commented that, as the downtown area redevelops, he hoped that it would be able to support a mix of uses. Councilor Wilson noted in December that it seemed as though the Ash Street connection had some interesting elements and was depicted as a "spine." Planning Manager Shields noted that if the Downtown Plan does not rely on the Ash Street extension, then the "spine" would move to Pacific Highway.

Mr. Marr said that he did not think that the Task Force should rely on the Ash Street extension so much that the Plan would fall apart if there is a great deal of opposition to the extension. He noted the need to work with the neighborhood for a crossing of Fanno Creek and to provide some traffic calming. Another hurdle will be to cross the railroad tracks – to give the downtown some needed traffic circulation. It was suggested that work continue with the Railroad to look at the possibility of consolidating crossings in other areas. Mayor Dirksen said an over crossing of the tracks was also discussed. Mr. Marr said that a viaduct to address the railroad situation would ruin the ambiance of the downtown. Mayor Dirksen advised that it would be worth considering – to review illustrations of what it would look like if put into place.

Mayor Dirksen said there is much speculation about the Walnut Street extension and a scientific study is needed so that it can be determined exactly what the impact will be.

Councilor Harding noted the Greenburg intersection also needs to be addressed.

Councilor Wilson referred to the Transportation System Plan and acknowledged the opposition that the Ash Street connection would generate. He also agreed that the downtown area needs traffic circulation improvements.

Task Force member Barkley distributed a March 9, 2005, letter to the City Council and Downtown Task from Daniel and Kathy Strauss regarding their questions and concerns associated with the downtown improvement plan. She reported that Mr. and Mrs. Strauss have not received an answer to this letter.

Task Force member Henderson noted that the downtown effort will need additional city staffing and requested that this be reviewed during the City's budget process.

Mr. Marr encouraged the City Council to look at this as an opportunity to pull the community together. He said there will be a need to compromise. The City will need to have a significant majority of support (85 percent) from the citizens for the plan to become a reality. It is critical to work with people to find ways to give them something they would want. The Ash Avenue neighborhood is critical and for plans to be in place to protect property values.

There was brief discussion on Measure 37 implications. The goal would be to make improvements that would increase property values. Community Development Director Hendryx noted the Plan was not far enough along to make a determination about impacts relating to provisions of Measure 37. Planning Manager Shields said Measure 37 issues would have to be addressed.

Mr. Marr said if the Council decided to go out for a vote on urban renewal, there would be a need to respond to opposition on this concept. Councilor Sherwood said the urban renewal effort would need to include some funding for public relations. Mr. Marr remarked that how urban renewal works would need to be explained in plain language so people could understand tax increment financing. He suggested that this information be presented by other citizens. Councilor Sherwood said she agreed with Mr. Marr and indicated that this had been also discussed by the Council.

Councilor Woodruff said that the challenge would be to work with people directly affected by the Downtown Plan. He said he thought the plan looks "great" for those people who are not directly affected.

Mayor Dirksen said there will be some opposition as there are some people who will not want to see any changes.

In response to a question from Councilor Harding, Mr. Marr advised that there are not a lot of alternatives for traffic circulation in the downtown area.

There was additional discussion on the need to work with the railroad to determine if some of the railroad crossings could be eliminated.

The Downtown Task Force will visit again with the City Council in June. Mr. Marr agreed with Councilor Wilson that there needs to be a grassroots campaign for the Downtown Plan to be successful. Councilor Harding suggested that information and a public survey be made available at the Library. She also suggested that the map (drawing) of the proposed Downtown Plan be made available for public viewing at the Library.

Mr. Marr said he believes that the majority of the community would support the Downtown Plan; however, there is a need to address the concerns of the minority.

Council meeting recessed: 8:38 p.m.

Meeting reconvened: 8:44 p.m.

5. PROPOSED CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR FY 2005-06

City Engineer Duenas presented a staff report; the presentation outline reviewed with the Council is on file in the City Recorder's office.

With regard to the \$50,000 overlay for Burnham Street, City Engineer Duenas said that after receiving input from Councilors Sherwood and Harding, he is recommending that improvements be delayed until the Downtown Plan is finalized.

City Engineer Duenas talked about how concerns could be alleviated with the Walnut Street extension study and to look at the Ash Street corridor. He recommended holding off on this item until the Downtown Plan is completed.

There was discussion of the railroad switching area located in the City of Tigard. Mayor Dirksen suggested this might be a good time to talk with the Oregon Department of Transportation (ODOT) about this area being used for switching of cars – why can downtown Tigard be used as a switching yard? Councilor Wilson suggested that talks be held with Railroad to advocate finding another alternative. City Engineer Duenas said that one mile of track is needed for this switching operation, which is presently being done between Bonita Road and Tiedeman Street in Tigard.

Councilor Harding noted she had received calls about the Walnut Street improvements (a County project). Residents have noted concerns about the type of street lighting to be used for this project. City Engineer Duenas said there are

lighting requirements. Councilor Harding reported that the neighbors wanted the lighting to look less industrial. City Engineer Duenas said he would look into this with the County.

Councilor Woodruff noted the Skate Park amount as shown on the CIP list should indicate that this total amount is not all City dollars.

Councilor Woodruff said he appreciated being supplied with the comments from the public. He was surprised that more people did not comment.

Councilor Wilson asked about fee-in-lieu of undergrounding money (for utility lines). City Engineer Duenas noted that the fees collected have been used for projects and this money could be used in conjunction with Transportation Growth Management (TGM) money. Councilor Wilson pointed out there are a lot of overhead power lines and he would like to see more of these removed.

In response to a question about the money shown in the Capital Improvement Project list for the water building, Interim City Manager Prosser noted that this money would be used for the HVAC system, window seals, and reconfiguration of office space. This would be paid for by water funds.

Councilor Sherwood noted the need to coordinate with the Senior Center with regard to the Community Development Block Grant for remodeling.

6. CONTINUED DISCUSSION OF A PROPOSED RESOLUTION TO SUPPORT COLLABORATION WITH WASHINGTON COUNTY JURISDICTIONS REGARDING PROPOSED CHANGES TO GOAL 14, URBANIZATION AND THE URBAN GROWTH BOUNDARY ADMINISTRATIVE RULES

Community Development Director Hendryx reviewed the information contained the City Council meeting packet including a proposed resolution. Also included in the packet was a resolution adopted (October 25, 2004) by the City of Tualatin.

Community Development Director Hendryx referred to the City Council 2005 goal to seek changes with Metro. He noted that the City Council wanted to see some ability to free up the Comprehensive Planning process so the City could respond to citizens' concerns and to have more flexibility with density requirements.

Interim City Manager Prosser referred to the draft resolution. At a previous City Council meeting there was a proposal that to split the resolution into two separate resolutions. One resolution could address the City of Tualatin's issues and the other could outline the City of Tigard's issues. Interim City Manager Prosser asked if the City Council was interested in pursuing two separate resolutions. There will be a meeting with the City of Tualatin Council on April 4 and this might provide an

opportunity for the City of Tigard City Council to discuss with Tualatin their issues with Metro.

Councilor Wilson said he would rather talk about the City of Tigard's issues as he was not sure he totally understood Tualatin's issues.

Interim City Manager Prosser reviewed the history of how Metro came into existence as it is now structured including the 1992 Charter ballot measure approved by voters.

Councilor Wilson commented that the 1992 Charter measure was billed as a "Home Rule" piece of legislation, but it also established a regional framework which gave power to Metro to "trump" local planning. He said that he felt that Metro ignores the impacts to local communities. Councilor Wilson agreed there are issues that should be addressed on a regional basis but, as much as possible, planning should be a local responsibility to respond to neighborhood concerns. Councilor Wilson said that the Metro Policy Advisory (MPAC) recommendations are ignored by Metro. He said he did not believe the issues with regard to setting urban growth boundaries were seriously debated. Councilor Wilson suggested a review of Metro could range from elevating the importance of MPAC all the way to whether or not Metro serves any purpose. He said it seems that cities are constantly on the defensive while local planners spend their time reacting to Metro's initiatives. Citizens have no easy way to send feedback to Metro when Metro issues regulations affecting them. Citizens complain to local government, and Councilor Wilson questioned whether Metro had any idea of the level of the public's dissatisfaction. Councilor Wilson summarized that the above issues are examples of what needs to be dealt with; although, at this point, he is not sure to what extent he would support changes to Metro.

Councilor Woodruff said he basically agreed with Councilor Wilson, but asked what could the City realistically do?

Discussion followed on options including proposing a ballot measure to address concerns about Metro (initiative process). There was a comment that the City of Tigard could not do this alone; however, there may now be an opportunity to join other jurisdictions on Metro issues. MPAC would be a good venue for these types of discussions. City of Tualatin Mayor Ogden has invited others to participate in a regional discussion. Councilor Wilson reiterated that the stature of MPAC should be raised.

Mayor Dirksen advised that he recently met with Lake Oswego Councilor Jack Huffman and discussed the possibility of an MPAC-sponsored symposium to review Metro issues.

Council consensus was for Mayor Dirksen to pursue the idea of a symposium. Suggestions for invitees to the symposium included the Metro Council, regional mayors, City Council members, and business leaders.

Another option would be to approach the State legislature with proposed changes to Metro.

Councilor Wilson said he could support the proposed resolution as a starting point for the City of Tigard. Interim City Manager Prosser suggested that a section be added to the resolution to direct staff to contact other cities to identify issues and develop a common strategy.

Consensus of the Council was that Section 1 of the resolution be fleshed out. There was discussion on whether or not to pursue a resolution or focus on working with MPAC or businesses.

Community Development Director Hendryx and Planning Manager Shields noted that the City of Tigard is hoping for assistance from Metro with the downtown area.

The urbanization section of the proposed resolution was reviewed. Mayor Dirksen referred to problems with urban growth boundaries whereby properties should have been required to be tied to an urban area before development could occur. Staff will redraft Sections 1 and 2 of the resolution. Section 2 will need to indicate the City's need for more authority with regard to local comprehensive planning and limit Metro's authority on local land use controls. A revised draft resolution will be brought back to the City Council at a later date for its consideration.

7. COUNCIL LIAISON REPORTS: None

8. NON AGENDA ITEMS: None

> ADMINISTRATIVE ITEMS:

City Hall Day at the Capitol – April 13 –The day will include meetings with legislative leaders, briefings on issues and opportunities to meet with your legislators and network with other city officials. Contact Mary Macpherson (503) 588-6550 or mmacpherson@orcities.org. Staff needs input from City Council to prepare a list of Tigard issues. Interim City Manager Prosser advised the Assistant to the City Manager Newton is working on a list of issues. There are three bills regarding limiting government authority on imposing staffing limits. Councilor Wilson noted the need to get staffing costs under control as the current trends are not sustainable. Interim City Manager Prosser will review this matter again with Council on April 12 so the City Council can give staff its final word on matters of concern.

- Fifth Tuesday Meeting Notice: The notice was revised to delete the requirement for meeting participants to submit a written statement.
- Council Calendar:
 - March 29: 5th Tuesday Council Meeting – 7 p.m. – Water Auditorium – check to see if library com. room is available
 - April 4: Special Meeting - Library Community Room
 - 6-7 p.m. – Goal update (staff)
 - 7 p.m. – Joint Meeting with Tigard-Tualatin School Board and Tualatin City Council
 - April 12: Council Business Meeting – 6:30 p.m. – Town Hall
 - April 19: Council Workshop Meeting – 6:30 p.m. – Town Hall
 - April 25: Budget Committee Meeting – 6:30 p.m. – Library Community Room
 - April 26: Council Business Meeting – 6:30 p.m. – Town Hall
 - May 6: Shining Stars Banquet

9. EXECUTIVE SESSION: Not held.

10. ADJOURNMENT: 10:16 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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Transcription of 5th Tuesday notes by Stacy Yost
March 29, 2005 at the Tigard Water District Auditorium:

Council Present: Mayor Dirksen; Councilors Harding, Sherwood and Woodruff

Guests: State Senator Ginny Burdick, State Representative Larry Galizio

Sign in sheet:

<u>Name</u>	<u>Address</u>	<u>Topic</u>
Don & Carol Merrick	13376 SW Chelsea Loop	
Sue Beilke	11755 SW 114 th	Protection of Nat. Resources
Diane Jelderks		Citizen Input Process
Martha Bishop	10590 SW Cook Lane, Tigard	
Bob Storer	7225 SW Ventura Dr, Tigard OR 97223	Construction Noise
Bev Storer	7225 SW Ventura Dr, Tigard OR 97223	/503-244-5941
Mark Padgett	12974 SW Princeton Lane	Taxing inequity
Rumiana B.	7505 SW Landau, Tigard 97223	Construction Pollution
William Z. Iron	9700 Ventura Ct, Tigard 97223	
Isador W. Morgavi	15145 SW 119 th Ave 97224	Annexation Contract
Cleon Cox III	13580 SW Ash Ave 97223	
John Frewing	7110 SW Lola Lane 97223	Carryover item Burke Property
Gayle Kauffman	7110 SW Lola Lane 97223	
Bruce Wenrick	7801 SW Elmwood Street	
Bruce Warner	8025 Elmwood St, Portland 97223	
Alice Ellis Gaut	10947 SW Chateau Lane, 97224	Citizen Access to records @ Permit Ctr
Julie Russell	12662 SW Terraview	School Funding & Annexation for Senator Burdick, Single Majority Vote Land Purchase

Welcome to Fifth Tuesday, March 29

Construction Noise

- How to reform hours allowed for construction noise
- How to influence code?

Other Construction concerns:

- Dirt/Dust/Mud
- Safety Issues

Taxing Inequities

- City vs. out-of-city residents & use of resources (Library, roads, etc.)

Property Concerns @ Burke Residence

Access to Records @ Permit Center (Processes)

Development projects on website not current

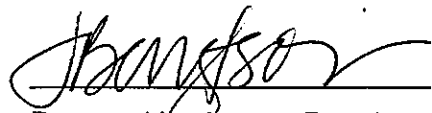
School Funding

Citizen Input Process

- E-mail to citizens announcements/Cityscape/Meeting notices

Protection of Natural Resources

Can City Buy Wetlands to Own & Protect?



Prepared by Joanne Bengtson
Executive Asst. to the City Manager

5th Tuesday notes by Councilor Sherwood 3/29/05

- Construction Noise- Bev & Bob Store 7225 Ventura Drive, 7 days, 7am to 9pm weekends
Municipal
E-mail to City Engineer - maybe a code change for neighbors
Damage & safety issues with dirt and mud. Dust issues
- Tax inequity - City vs. Urban
- Burke Property - February 14th deadline missed, 2nd deadline - when will this finally get done.
- Access to permits -
Where are the new rules coming from - why does staff have to sit with people looking at plans.
Use Library for checking out plans on developments.
Fair access to public documents - 15 minutes? Notify if they get changed - they get updated sometimes daily.
What happened to website - they don't have anything online
Pre-apps - need to train staff. Need to figure how to post status change.
- School funding - SDC's for building
- Measure 5
- Citizen input process-
 - Comp Plan, TSP is showing a road-
 - Downtown plan only has _____
 - Need Alternatives to Ash Ave.
 - Let people have a choice - #1 or #2.
- Get e-mail addresses on water bill
- Is our right to ask for annexation a law - where do we get our authority?
- Council Goals -
Parks & Open Spaces
Citizen Input
Sue Bielke's papers - where are they in this?
Wants to comment on the new projects
Park & Rec Board didn't get a chance to have a say on this
Parcels not on Bull Mountain
Want to do a bond measure.
- Goal 5 - doesn't like it. Need community input.
- What is Dan Plaza doing? Is he speaking for Council and not using Park & Rec Board.
- Budget was brought a
- Where are parcels that Due Bielke's recommendation -
- Open Land - City initiated land for parks - conservation easements
- Read Goal 5

AGENDA ITEM # 4.2b.
FOR AGENDA OF 4/26/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File the Annual Solid Waste Financial Report Findings

PREPARED BY: Dennis Koellermeier, x2596 DEPT HEAD OK JD for DK CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Tigard Municipal Code requires that the City Manager prepare a report to the Council on the solid waste franchise financial reports and propose rate adjustments, if needed.

STAFF RECOMMENDATION

On review of the annual reports for calendar year 2004, a rate adjustment is necessary.

INFORMATION SUMMARY

The annual solid waste financial reports have been submitted by the franchised solid waste haulers in the City of Tigard for calendar year 2004. The two haulers that hold franchises in the City are Pride Disposal and Miller's Sanitary (Waste Management). An aggregate report summarizing the data is attached to this summary. The aggregate rate of return for the haulers was calculated to be 7.95%. This rate falls below the range established by the Council of 8% to 12%.

Staff will work with the haulers to prepare a rate adjustment and return to the Council for approval.

OTHER ALTERNATIVES CONSIDERED

No alternatives available, this report is required by the Tigard Municipal Code.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Does not apply.

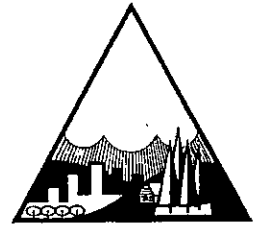
ATTACHMENT LIST

Aggregate franchise hauler financial report and explanatory cover letter.

FISCAL NOTES

None.

MEMORANDUM



TO: Craig Prosser, Interim City Manager

FROM: Dennis Koellermeier, Public Works Director

RE: Solid Waste Financial Annual Report for 2004

DATE: April 12, 2005

As required by Tigard Municipal Code (TMC) 11.04.090, the two franchised solid waste haulers in the City of Tigard service area have submitted their annual financial reports for the year ending December 31, 2004. The TMC also requires the City Manager to prepare a report to the Council on the franchisee reports and recommend any rate adjustments that might be required based on review and analysis of the reports.

I have reviewed the annual financial reports and prepared an aggregate report that is attached. The aggregate rate of return for the haulers was calculated to be 7.95%. The Council's policy on allowable rate of return provides for rate adjustments if the aggregate profit rate falls below 8% or is over 12%. Based on this policy and the calculated return of 7.95% for the calendar year 2004, a rate adjustment is warranted. Staff will work with the haulers and prepare a rate adjustment schedule, which we will bring back to the Council for consideration.

I will also be preparing and submitting a Council agenda item for them to receive and file this report for their business meeting on April 26, 2005.

cc: Tom Imdieke
Michelle Wareing

City of Tigard
Franchised Solid Waste Haulers Financial Reports
For Year ended December 31, 2004
(Aggregate Report)

	Calendar Year 2004	Direct Labor Hours	Indirect Cost
Total Indirect Costs			\$1,127,026
Drop Boxes			
Operating Revenue	\$2,133,275		
Operating Costs	\$2,443,999	12,149	\$309,650
Net Income	<u>(\$310,724)</u>		
	-14.57%		
Can/Cart Services			
Operating Revenue			
Residential	\$2,723,384		
Multi-Family	\$8,134		
Commercial	\$110,618		
Operating Costs	\$1,489,928	7,928	\$200,330
Net Income	<u>\$1,352,208</u>		
	47.58%		
Container Services			
Operating Revenue			
Residential	\$25,700		
Multi-Family	\$632,114		
Commercial	\$2,365,704		
Operating Costs	\$1,993,123	7,601	\$201,308
Net Income	<u>\$1,030,395</u>		
	34.08%		
Recycling Services			
Operating Revenue			
Bin/Cart Recycling	\$69,026		
Container Recycling	\$83,085		
Operating Costs	\$1,225,411	12,748	\$331,532
Net Income	<u>(1,073,300)</u>		
	-705.60%		
Yard Debris			
Operating Revenue	\$6,786		
Operating Costs	\$367,095	3,434	\$84,205
Net Income	<u>(\$360,309)</u>		
	-5310%		
Medical Waste			
Operating Revenue	\$2,499		
Operating Costs	\$0		
Net Income	<u>\$2,499</u>		
	100%		

Consolidated Net Income	\$640,768		
Other Revenue	8,660		
Other Costs	0		
Grand Total Net Income	<u>\$649,428</u>		
Total Revenues	\$8,168,985	43,860	\$1,127,026
Profit Percentage	<u>7.95%</u>		

AGENDA ITEM # 4.3
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appoint Jim Bray and Rob Callan to the Tree Board

PREPARED BY: Matt Stine DEPT HEAD OK MS CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should the City Council appoint Jim Bray and Rob Callan to the Tree Board?

STAFF RECOMMENDATION

Appoint Jim Bray and Rob Callan to the Tree Board.

INFORMATION SUMMARY

The resolution before the City Council would appoint Jim Bray and Rob Callan as members of the Tree Board beginning in May, 2005. Their terms will expire May 31, 2009.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: The City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Resolution appointing Jim Bray and Rob Callan to the Tree Board.

FISCAL NOTES

There are no costs associated with this action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION OF TIGARD CITY COUNCIL APPOINTING JIM BRAY AND ROB CALLAN TO
THE TREE BOARD

WHEREAS, Mr. Bray and Mr. Callan have expressed interest in becoming members of the Tree Board

WHEREAS, Mr. Bray and Mr. Callan have been interviewed by the Mayor's Appointment Advisory
Committee

WHEREAS, two openings exist on the Tree Board

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Jim Bray and Rob Callan are appointed to complete terms of four years as Tree Board
members. Their terms expire May 31, 2009.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # 4.4
FOR AGENDA OF 4/26/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Land and Water Conservation Grant Award

PREPARED BY: D. Roberts/D. Plaza DEPT HEAD OK [Signature] CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should Council authorize the Mayor to sign an agreement accepting \$42,415 in federal Land and Water Conservation (LWCF) grant funds?

STAFF RECOMMENDATION

Authorize the Mayor to sign the agreement accepting the grant monies.

INFORMATION SUMMARY

The Land and Water Conservation Fund is a National Park Service program that passes down federal dollars to the states for the acquisition, development, and rehabilitation of park and recreation areas and facilities. In Oregon, the State Parks and Recreation Department is responsible for the distribution of the federal monies to State agencies and local governments. The program provides up to 50% funding assistance to park providers for eligible activities.

Last year, Council authorized the submittal of a request for LWCF funds to partially finance the construction to regional standards of a 1,362- foot segment of the Tualatin River multi-modal trail. The segment in question extends across land owned by Clean Water Services to connect Cook Park to the 250-foot Tualatin River pedestrian bridge, tentatively scheduled for 2006 completion. The City was notified last year that this project was selected for funding. The attached State/City project agreement arrived in late March of this year. Clean Water Services earlier provided at no charge an easement for the trail route. The route meets all setback and other regulatory requirements relating to the installation of a trail.

A copy of the agreement has been forwarded for legal review to Gary Firestone in the City Attorney's office.

OTHER ALTERNATIVES CONSIDERED

None considered.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Park and Recreation Goal #1 calls for the pursuit of grant funding opportunities.

ATTACHMENT LIST

Attachment #1: A resolution authorizing the submittal to the Oregon Parks and Recreation Department of a Land and Water Conservation Grant proposal to partially finance the construction of a segment of the Tualatin River pedestrian trail.

Attachment #2: Tualatin River Trail Project.

Attachment #3: State-Local Agreement, Land and Water Conservation Fund.

FISCAL NOTES

The grant amount is \$42,415. The project budget includes a local hard dollar contribution of the same amount. These matching funds are included in the proposed 2005-06 Parks Capital Improvement Plan. The funding source is Park System Development Charges.

i/citywide/sum/lwcf.tual.trail

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 56

A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARKS AND RECREATION DEPARTMENT OF A LAND AND WATER CONSERVATION GRANT PROPOSAL TO PARTIALLY FINANCE THE CONSTRUCTION OF A SEGMENT OF THE TUALATIN RIVER PEDESTRIAN TRAIL

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Land and Water Conservation Grant Program; and

WHEREAS, the City of Tigard desires to participate in this grant program as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the Tigard Comprehensive Plan and the Tigard Park System Master Plan both call for the completion of a continuous trail following the Tualatin River as it passes through the City; and

WHEREAS, the City Council has identified improvements to the Tualatin River Trail System as a high priority need in the City of Tigard; and

WHEREAS, the construction of the Fanno Creek Trail segment between Cook Park and the Durham Park Trail is defined in an application for federal Land and Water Conservation Fund assistance;

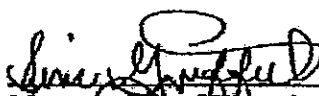
WHEREAS, the City hereby certifies that the matching shares for these applications are readily available at this time,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

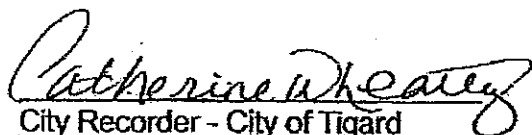
Section 1: The City Manager is authorized to apply for a Land and Water Conservation Grant from the Oregon Parks and Recreation Department for the installation of a segment of the Tualatin River Trail as specified above.

EFFECTIVE DATE: This resolution is effective immediately upon passage.

PASSED: This 28th day of October, 2003.


Mayor - City of Tigard

ATTEST:

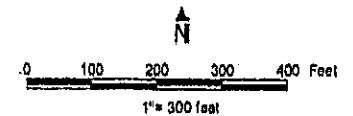
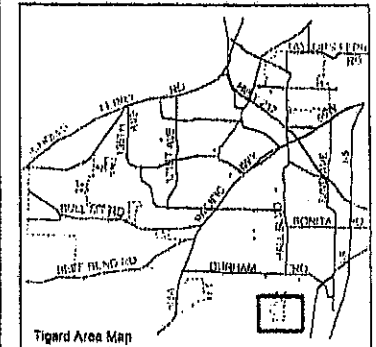

City Recorder - City of Tigard

Tualatin River Trail Project

Legend

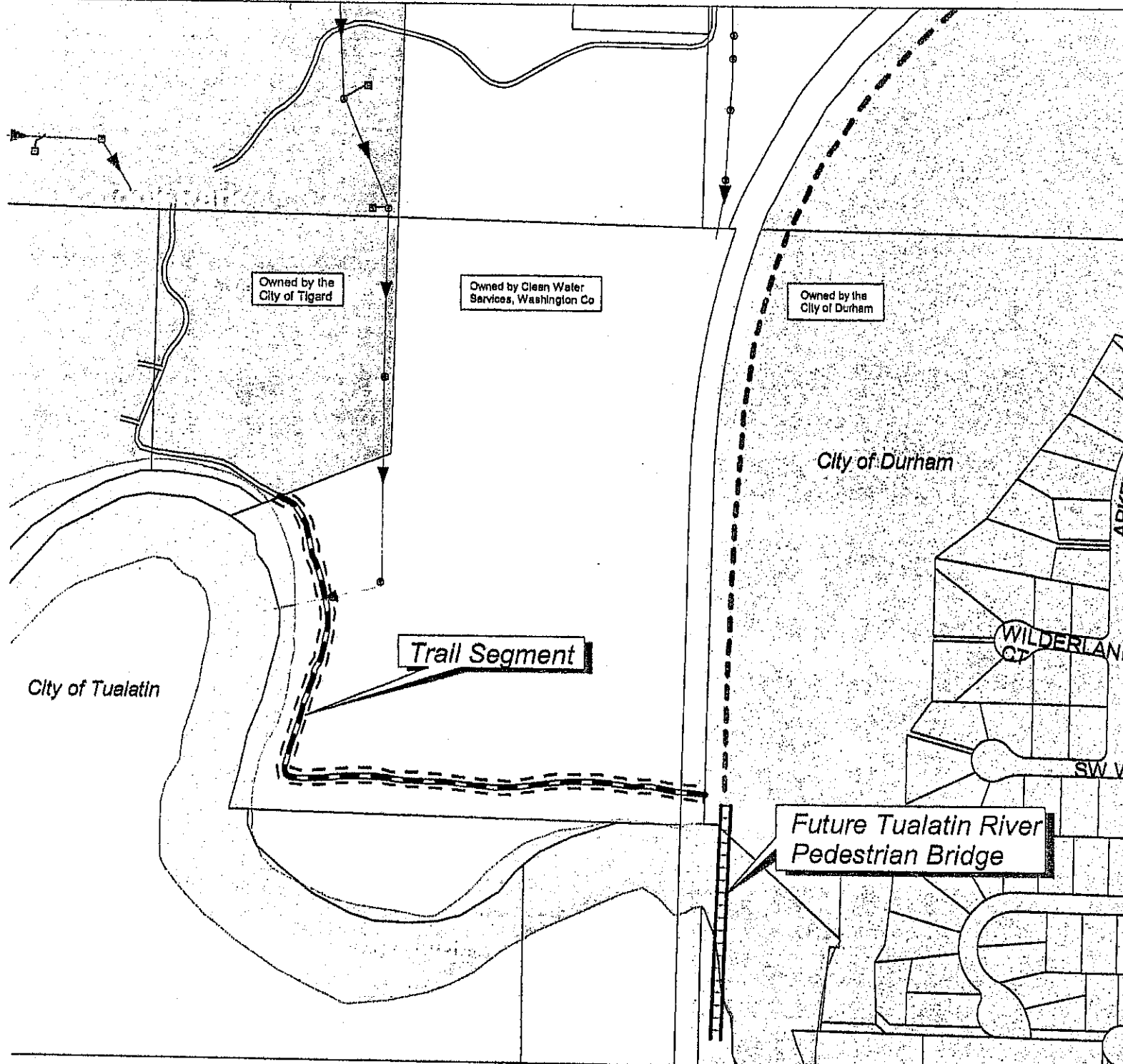
- Catch Basins
- Man Holes
- Storm Lines
- Existing Trail
- Durham Trail
- Proposed Tualatin River Trail Segment
- Future Tualatin River Pedestrian Bridge
- Project Boundary
- Cook Park
- Tigard City Limits
- Tualatin City Limits
- Durham City Limits

Project Coordinator:



Information on this map is for general location only
should be verified with the Development Services DI
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

Printed: October 05



STATE-LOCAL AGREEMENT
LAND AND WATER CONSERVATION FUND

This agreement, made and entered into this _____ day of _____, 2005 by and between the STATE OF OREGON, by and through its Parks and Recreation Department, hereinafter called "State," and City of Tigard, a Municipal Corporation of the State of Oregon, by and through its City Council or designated representative, hereinafter called "Sponsor,"

WITNESSETH:

WHEREAS, Sponsor proposes to undertake the following outdoor recreation project: Tualatin River Trail, OP 2476, in Washington County, Oregon, hereinafter called the "project", and to that end, proposes to perform work and/or acquire land as set out and described below:

Project Description/Scope of Work: Project includes construction of a ten-foot wide recreation trail along the Tualatin River between Cook Park and the future Tualatin River pedestrian bridge.

WHEREAS, federal matching funds for acquisition and development of outdoor recreation areas are available under the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), as administered by the Department of the Interior; and

WHEREAS, it is the intent of the parties hereto that Sponsor acquire land and/or perform the development work, as set out above in accordance with the Land and Water Conservation Fund Act of 1965, other applicable federal and state statutes, and the requirements of the Department of the Interior; and that State apply to the Department of the Interior for funds with which to reimburse the state for administration costs and to reimburse Sponsor for up to forty-three percent (43%) of sponsor's costs in acquiring such land and/or performing such work.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

1. The State hereby approves the project proposal and authorizes Sponsor to acquire land and/or perform the work of the project in accordance with the above description. As hereinafter used, "work of the project" shall include both acquisition of land for and development work of the project, and "cost of the project" shall include both costs of acquisition of land for and development work of the project, if such is required.
2. The estimated total cost of the project is \$97,530. Sponsor shall in the first instance; pay all the costs of the project and then request reimbursement upon completion of the project. State shall pay sponsor no more than \$42,415.00 for reimbursement. In no event shall the sum of the payment to Sponsor exceed forty-three percent (43%) of the total actual cost of the project. The Sponsor may submit partial payment requests for work completed. Final payment will be made upon completion of the project. The State may perform an audit of Sponsor's records pertaining to the project.
3. Upon completion of the project, Sponsor shall be responsible for the operation and maintenance of said facility for public outdoor recreation in the manner and according to

responsible for the acts, omissions, or negligence of its own officers, employees or agents, and only to the extent permitted by the Oregon Tort Claims Act ORS 30.260-30.300, and the Oregon Constitution, Article XI, Section 7.

11. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE STATE AND THE SPONSOR. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF THE TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH A WAIVER, CONSENT, MODIFICATION, OR CHANGE IF MADE SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS OR REPRESENTATIVES, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THE AGREEMENT. THE DELAY OR FAILURE OF THE STATE TO ENFORCE ANY PROVISIONS OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE STATE OF THAT PROVISION OR ANY OTHER PROVISION. THE RECIPIENT, BY THE SIGNATURE BELOW OR ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year first above mentioned.

SPONSOR: City of Tigard

STATE OF OREGON, by and through its
Parks and Recreation Department

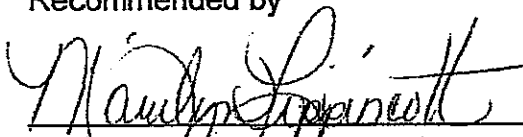
Authorized Representative Signature

Authorized Representative of the Oregon
Parks and Recreation Department

Print Name and Title

Date

Recommended by



Marilyn Almero Lippincott, Senior Grants
Project Coordinator

AGENDA ITEM # 4.5
FOR AGENDA OF 4/26/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Authorize Mayor to approve West Nile Virus Intergovernmental Agreement with Washington County

PREPARED BY: Eric Hand/Carla Staedter DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Should the Council authorize the Mayor to approve a West Nile Virus Intergovernmental Agreement with Washington County?

STAFF RECOMMENDATION

Staff recommends approval of the West Nile Virus Intergovernmental Agreement between the City of Tigard & Washington County.

INFORMATION SUMMARY

West Nile Virus (WNV) is expected to be found in Washington County in 2005.

The Washington County Department of Health and Human Services and the City of Tigard have been working together since 2003 to develop a West Nile Virus Response Plan consisting of education, testing, and treatment. The primary method of treatment will be in the form of larvacide and will be performed on public facilities only. The spraying of adult mosquitoes will be performed only as a "Last Resort" and must be authorized by Washington County Health Official.

Mosquitoes (*Culex pipiens*), a dirty water mosquito that can transmit the virus, have been found in sumped catch basins throughout the county. The level of larvacide treatment of catch basins needs to be much higher than in 2004. Tigard maintains approximately 1,600 sumped catch basins that will require treatment by the middle of June 2005.

At this time, the City of Tigard and Washington County have prepared an intergovernmental agreement specifically outlining each agency's cooperative role in WNV monitoring and prevention efforts. The agreement will be in effect until December 31, 2005, and will be automatically renewed through December 31, 2006 unless amended.

City of Tigard Responsibilities under the West Nile IGA

1. Distribution of public education materials provided by the County and Clean Water Services.

2. Reporting of local mosquito complaints to the County.
3. Coordination with the County entomologist to design/develop and conduct a water sampling regime of catch basins, storm water facilities, and natural wetlands within the City jurisdiction and monitor those facilities throughout the mosquito season (March through October).
4. Delivery of water/larva samples to the County entomologist for processing and tracking.
5. Active educate of neighborhood associations, community participation organizations, and other citizen groups, and encourage private property source reduction efforts and other personal behaviors that will reduce exposure risk.
6. Maintenance of catch basins and storm water facilities to limit the presence of standing water and decaying organic debris (particularly cattails and grass clippings).
7. Treatment of all publicly owned sumped catch basins with larvicide between May 1, 2005 and June 30, 2005; and provision of weekly reports of work completed (including GPS coordinates of all treated catch basins. Note: Larvicide will be provided by the County for each of the City's 1600 catch basins.
8. Installation of habitat features, as appropriate, to promote amphibian, bird, and predatory insect (dragonfly) populations that feed on mosquito larva.

Note: County responsibilities are outlined in detail in Attachment A to the IGA.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

No

ATTACHMENT LIST

2005 COT-WA City WNV IGA : This is the general INTERGOVERNMENTAL AGREEMENT between Washington County and the City of Tigard.

2005 WNV IGA Attachment A: This is an attachment to the above file that specifically calls out tasks to be completed by each agency.

FISCAL NOTES

The City will be saving an estimated \$6000 by approving this intergovernmental agreement. This savings will result from Washington County providing all larvicide for treatment of an estimated 1,600 sumped catch basins in Tigard.

The City currently has the necessary personnel, tools, and equipment needed to perform this work and the program costs are expected to be minimal. Tasks associated with this intergovernmental agreement will be carried out by existing City staff.

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and the City of Tigard.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

- 1) The effective date is: 03/15/05, or upon final signature, whichever is later.

The expiration date is: 12/31/05 which shall be automatically renewed until 12/31/06; unless otherwise amended.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) To the extent applicable, the provisions of ORS 279C.500 through ORS 279C.870 are incorporated by this reference as though fully set forth.
- 5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.
- 6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 7) This Agreement may be terminated, with or without cause and at any time, by a party by providing _____ (30 if not otherwise marked) days written notice of intent to the other party(s).
- 8) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
- 10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

- 11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.
- 14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

Jurisdiction

Signature

Date

Printed Name

Title

Address: _____

WASHINGTON COUNTY:

Signature

Date

Printed Name

Title

Address: _____

Mail Stop # _____
Hillsboro, OR _____

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

County's Responsibilities:

1. The County shall coordinate efforts to meet the goals of the State Health Service's West Nile Virus (WNV) response plan.
2. The County shall coordinate public education related to matters of public health and human behavior throughout Washington County.
3. The County shall work with state and local health, veterinarian, agricultural, and wildlife organizations to survey and track human, equine, and avian cases of WNV. The County shall alert those subject to this Intergovernmental Agreement of confirmed cases.
4. The County shall employ an entomologist to design/develop sampling program, train City staff on sampling process, process mosquito larva, and collect and process adult samples.
5. The County shall provide larvicide product to the City to treat publicly owned sumped catch basins under city control.
6. The County will keep a database of all treated sumped catch basin sites based on reporting provided by cities.
7. The County shall develop a complaint log, train appropriate staff and partners, maintain a database mapping complaints and surveillance findings.

CITY RESPONSIBILITIES

1. The City shall utilize and distribute public education materials provided by the County and Clean Water Services, in order to maintain a consistent regional communication strategy.
2. The City shall report mosquito complaints to the County.
3. The City shall work with the County entomologist to design/develop and conduct a regional water sampling regime that will include representative catch basins, storm water facilities, and natural wetlands throughout areas within their boundaries throughout the mosquito season (March through October).
4. The City shall deliver water/larva samples to the County entomologist for processing and tracking.
5. The City shall actively educate neighborhood associations, community participation organizations, and other citizen groups, and encourage private property source reduction efforts and other personal behaviors that will reduce risk of exposure.
6. The City shall maintain catch basins and storm water facilities to limit the presence of standing water and decaying organic debris (particularly dead cattails and grass clippings).
7. The City shall treat all publicly owned sumped catch basins with larvicide between May 1, 2005 and June 30, 2005. The City will provide the County with weekly reports of work completed. The weekly report will include the GPS coordinates of all treated sumped catch basins.
8. The City shall install habitat features as appropriate to promote amphibian, bird, and predatory insect (dragonfly) populations that feed on mosquito larva.

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

9. The City will implement other mosquito control tasks based on public health risk as determined by the County.

Unless otherwise specified herein, the parties agree that there will be no monetary compensation paid to the other, that each shall bear their own costs and that reasonable and beneficial consideration exists to support this agreement.

AGENDA ITEM # 4.6 a,
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of McDonald Street Improvements
PREPARED BY: Vannie Nguyen DEPT HEAD OK: Agustin P. Duenas CITY MGR OK: Craig Prosser

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of McDonald Street Improvements?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **DA General Contractors** in the amount of **\$96,102.50**.

INFORMATION SUMMARY

This project adds capacity and improves traffic flow on McDonald Street at the intersection with Highway 99W. It widens McDonald Street for approximately 300 feet on the north side of the street to provide a separate right-turn lane into the highway. It also re-stripes the street to lengthen the left-turn stacking capacity. Installation of curbs and sidewalks on both sides of the street will also be included. Existing ditches will be backfilled and power poles will be relocated to accommodate the widening. The street cross section after the improvements will have a dedicated left-turn lane, two through lanes and a right-turn lane. The westbound right-turn lane and the eastbound through lane will be shared between motorists and bicyclists due to limited right-of-way and wider lane widths required at the intersection.

An ODOT (Oregon Department of Transportation) permit has been obtained for the proposed work since the street is located adjacent to a State highway. Additional rights-of-way are being acquired for the installation of sidewalk and wheelchair ramp. A neighborhood meeting was conducted on March 30, 2005 to inform business and property owners of the project schedule and construction activities that may affect their access during construction.

This project was advertised for bids on March 24, 2005 in the Daily Journal of Commerce and Tigard Times. Two project addenda were issued for the project. The first one was for the delay of the bid opening. The second one was for revision of the design to include additional sidewalk in the project. The bid opening was conducted on April 11, 2005 at 2:00 PM and the bid results are:

DA General Contractors	Vancouver, WA	\$96,102.50
All Concrete Specialties	Vancouver, WA	\$111,263.53
Kodiak Bengé Construction	Tualatin, OR	\$113,401.36
Eagle-Elsner	Tigard, OR	\$121,360.00
Kerr Contractors	Woodburn, OR	\$124,976.55
Paul Lambson	Battleground, WA	\$125,076.25

PCR Inc.	Beavercreek, OR	\$128,824.40
Civil Works NW	Vancouver, WA	\$129,879.65
S-2 Contractors	Aurora, OR	\$175,485.45
Engineer's Estimate		\$131,000

The lowest bid submitted by Parker Northwest Paving is in the amount of \$85,990.20. However, the bid did not include bid items that were issued in Addendum No. 2. The addendum called for an additional 854 square feet of sidewalk to be installed on the north side of the street.

The bid documents require that in order for a bid to be considered responsive, bidders have to acknowledge receipt of all project addenda. While Parker Northwest Paving received both Addendum No.'s 1 and 2, it did not include the additional bid items transmitted in Addendum No. 2 to make its total bid amount complete. Hence, the bid proposal of Parker Northwest Paving is incomplete, is not responsive, and does not meet the requirement for contract award.

Staff therefore recommends the contract be awarded to DA General Contractors at the bid amount of \$96,102.50.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Completion of the project to expand the traffic carrying capacity on McDonald Street at Highway 99W meets the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Flow: and "Improve Traffic Safety."

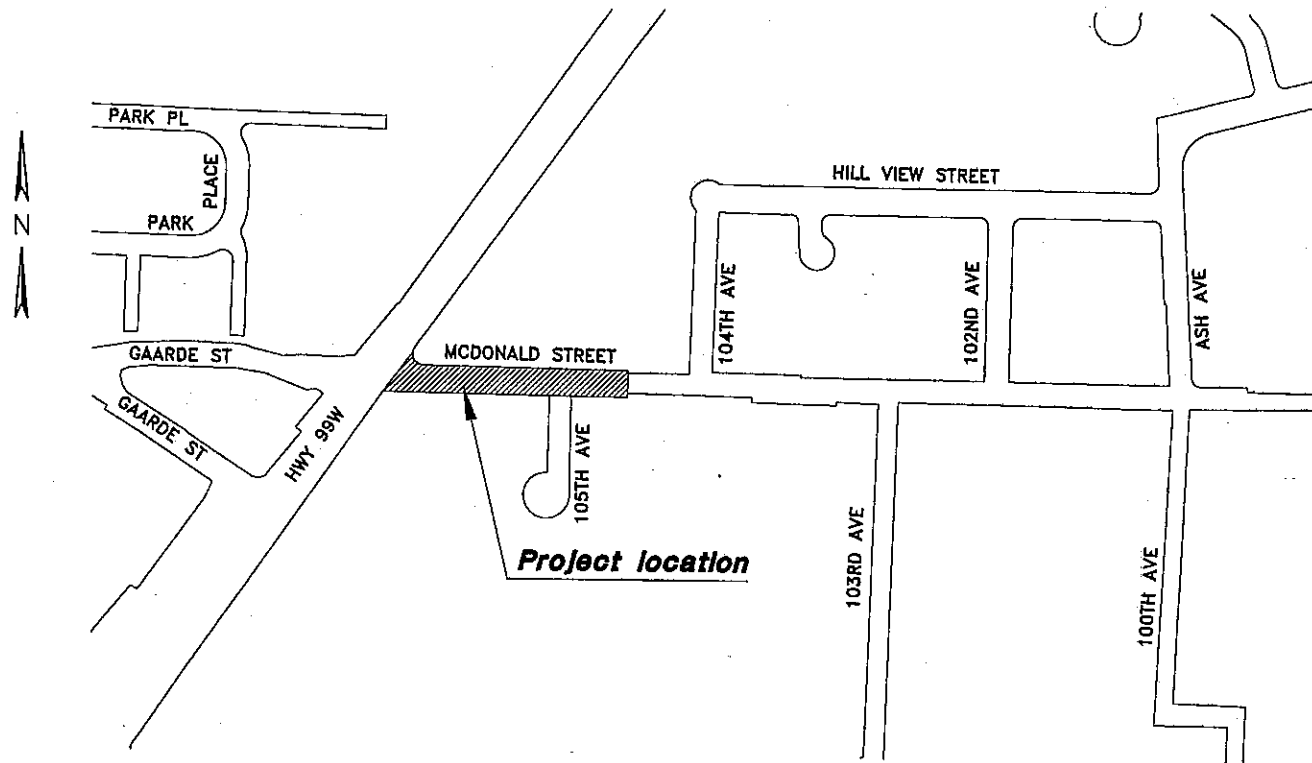
ATTACHMENT LIST

Project location map

FISCAL NOTES

This project is funded in the FY 2004-05 CIP under the Traffic Impact Fee Fund in the amount of \$180,000. This amount is sufficient to award the contract of \$96,102.50 to DA General Contractors.

**MCDONALD STREET IMPROVEMENTS
650 FEET EAST OF HIGHWAY 99W**



AGENDA ITEM # 4.6b.
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 2

PREPARED BY: Vannie Nguyen DEPT HEAD OK: Agustin P. Duenas CITY MGR OK: Craig Prosser

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for construction of the FY 2004-05 Pavement Major Maintenance Program (PMMP) – Phase 2?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Morse Bros, Inc.** in the amount of **\$322,861.55**.

INFORMATION SUMMARY

The PMMP is a yearly program of corrective and preventative maintenance on all streets in Tigard. The program helps to extend the life of the pavement structure, delay the need for more extensive and costly rehabilitation and improve other desirable characteristics, such as safety and smoothness. The FY 2004-05 PMMP is divided into three phases: Phase 1 completed the paving on nine streets at various locations in the City during the summer of 2004; Phase 3 includes Walnut and Fern streets, which will be incorporated into the construction of Walnut Street Improvements between 135th and 121st Avenue; Phase 2 covers paving work on the following streets:

- 72nd Avenue (Fir Loop to Hunziker Street)
- 72nd Avenue (Hunziker Street to Highway 217 Overcrossing)
- 121st Avenue (Ann Street to Springwood Drive)
- Commercial Street (at Main Street)

Also included in the project is the paving of a section of Fanno Creek Trail between Tigard and Tiedeman Avenue which is under water for part of the year. This project will raise the existing pavement elevation by paving the trail with three inches of asphaltic concrete to eliminate the standing water problem.

72nd Avenue between Hunziker Street and the Highway 217 Overcrossing is part of the State highway system under the jurisdiction of ODOT (Oregon Department of Transportation). This segment of the roadway is in poor condition and is past due for repairs. ODOT has agreed to reimburse the City \$46,015.05 for the construction cost of this portion of the street plus 15% of the construction cost covering engineering design for a total of \$52,917.31. Upon completion of the construction, the City will be responsible for all maintenance costs for 72nd Avenue including the portion on ODOT right-of-way.

This project was advertised for bids on March 24, 2005 in the Daily Journal of Commerce and Tigard Times. Two project addenda were issued for the project. The first one was for the delay of the bid opening. The second one was to address additional traffic control and noise control requirements. The bid opening was conducted on April 11, 2005 at 2:15 PM and the bid results are:

Morse Bros	Sherwood, OR	\$322,861.55
Eagle-Elsner	Tigard, OR	\$335,406.50
Brix Paving	Tualatin, OR	\$335,985.45
Kodiak Bengé Construction	Tualatin, OR	\$351,558.95
KF Jacobson & Co.	Portland, OR	\$382,656.70
S-2 Contractors	Aurora, OR	\$384,420.40
Baker Rock Resources	Beaverton, OR	\$469,580.69
Engineer's Estimate		\$452,000

Based on the bids submitted, the lowest responsive bid of \$322,861.55 submitted by Morse Brothers, Inc. appears to be reasonable. Staff recommends approval of the contract award to this qualified lowest bidder.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

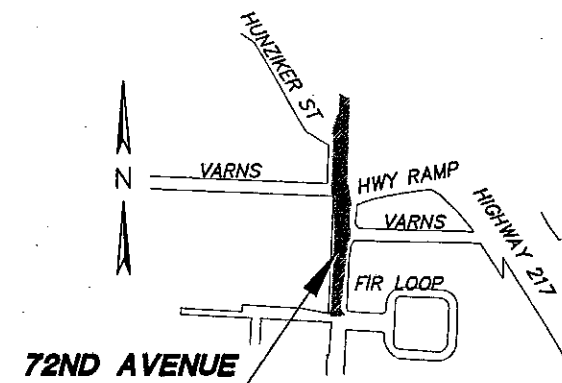
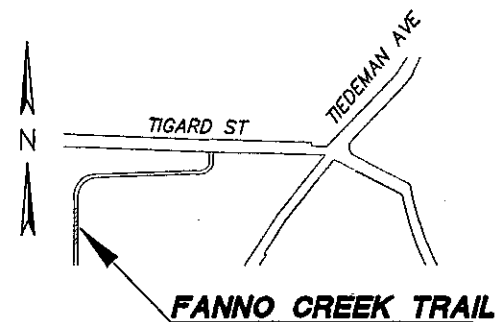
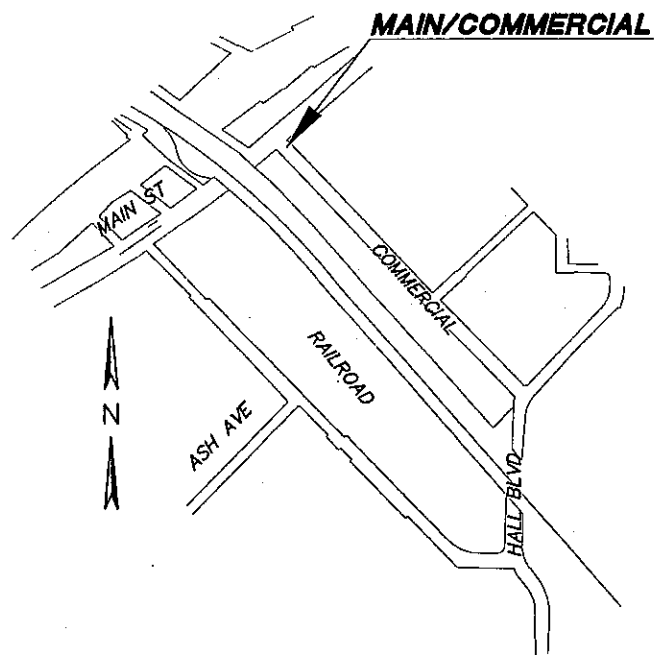
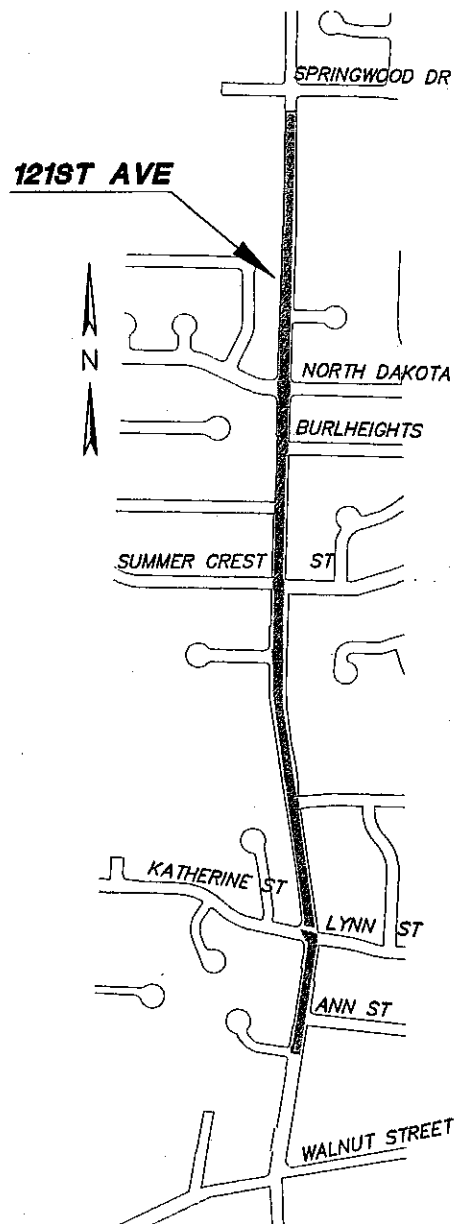
Project location map

FISCAL NOTES

This project is funded in the amount of \$695,200 in the FY 2004-05 CIP Street Maintenance Fee Fund for 72nd Avenue, 121st Street and Commercial Street. Work performed for Fanno Creek trail is funded in the amount of \$10,000 in the Parks Capital Fund for a total of \$705,200 between the two funds.

\$204,000 has been expended on the PMMP Phase 1 project. The remaining amount of \$501,200 plus \$52,917.31 to be reimbursed by ODOT for a total of \$554,117.31 is sufficient to award the contract of \$322,861.55 to Morse Brothers, Inc.

FY 2004-05 PAVEMENT MAJOR MAINTENANCE PROGRAM - PHASE 2
ASPHALTIC CONCRET OVERLAY
(72ND AVENUE, 121ST AVENUE,
MAIN/COMMERCIAL ST. INTERSECTION & FANNO CREEK TRAIL)



AGENDA ITEM # 4.6c
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Request LCRB Approve Purchase of Replacement Patrol Fleet Mobile Data Computer Security Software and Hardware

PREPARED BY: Brenda Abbott DEPT HEAD OK WDB CITY MGR OK d

ISSUE BEFORE THE COUNCIL

Should the City Council approve the purchase of 31 required software licenses for installation onto the City's patrol vehicle replacement mobile data computers (MDCs)?

STAFF RECOMMENDATION

Staff recommends Council approve the purchase of required security software licenses for the replacement MDCs.

INFORMATION SUMMARY

Request for approval to purchase security software licenses for replacement mobile data computers:

On October 26, 2004 Council approved the purchase of 31 replacement mobile data computers.

As a result of the War on Terror, police agencies are facing new U.S. Department of Justice requirements to protect communications. Tigard Police patrol cars are currently equipped with outdated mobile data computers (MDCs), which are incapable of running the industry standard operating systems required to run the authentication and encryption software necessary for compliance. As of September 30, 2005, transmissions from devices not running with encryption and authentication will not be accepted by the Oregon Law Enforcement Data Systems (LEDS), the agency which provides Tigard PD with access to mission critical data such as wants and warrants, vehicle registrations, etc. Without access to this data, officer and citizen safety is seriously impacted.

At the time the City of Tigard 2004-2005 budget was prepared, PD staff had not received from Washington County Communication Agency (WCCCA) the costs for the software necessary to bring the City's MDCs into compliance with the new Federal security requirements for radio-based LEDS data transmissions. This pricing information has now been provided and the City is ready to proceed with the purchase (Attachment A). This security software will be installed on the recently ordered replacement MDCs as both the hardware and software are required to become compliant by the Federal government's September 30, 2005 deadline.

OTHER ALTERNATIVES CONSIDERED

Do not approve the staff recommendation to purchase the security software and hardware and direct staff to explore alternatives for LEDS access from the City's patrol car vehicles, alternatives outside of the MDC/WCCCA infrastructure.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Attachment A: City of Tigard Purchase Requisition for PSSI/PADCOM Mobile Software Client.

FISCAL NOTES

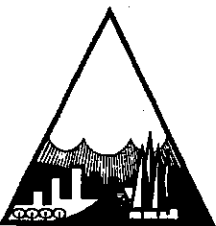
The expenses associated with this Agenda Item are \$26,350.00 for software to be purchased from the Washington County Consolidated Communications Agency, and \$39,711 for 31 law enforcement Motorola modems, for a total of \$66,061.00.

Budget Amendment #13 supports this request.

PURCHASE REQUISITION**CITY OF TIGARD**

13125 SW Hall Blvd.
Tigard, Oregon 97223
(503) 639-4171 Fax (503) 639-1471

Date: April 14, 2005
From: Brenda Abbott
Dept: PD



TO: WCCCA
Address: Joe Saafeld
Address: P.O. Box 6375
City/St/Zip: Beaverton, OR 97007
Phone: 503.690.4911 x 217
Fax:
Email: jsaafeld@wccca.com
Fed ID No.:

DELIVER TO:

☐ 13125 SW HALL BLVD
☐ 12800 SW ASH STREET
☐ 8720 SW BURNHAM STREET
☒ 8777 SW BURNHAM STREET ATTN: Ben Tracy, Fleet Services Supervisor

Qty	Vendor Item No.	Description	Dept / Account No.	Unit Price	Extended Price
31		PSSI Mobile Client w/Padcom Encryption		850.00	26,350.00
				0.00	0.00
				0.00	0.00
				0.00	0.00
				0.00	0.00
		Shipping and Handling		0.00	0.00
Comments:					
			TOTAL	850.00	26,350.00

APPROVALS:

APPROPRIATION BALANCE: _____ AS OF: _____ PURCHASING AGENT: _____

APPROVALS:

(IF UNDER \$50) DEPARTMENT DESIGNEE: _____

(IF UNDER \$2500) DEPARTMENT DESIGNEE: _____

(IF UNDER \$7500) DEPARTMENT HEAD/DESIGNEE: William Dickinson b7 PM

(IF UNDER \$25000) CITY MANAGER: _____

(IF OVER \$25000) LOCAL CONTRACT REVIEW BOARD: _____

CAPITAL EXPENDITURES NOT BUDGETED: (IF UNDER \$2500) DIRECTOR OF FINANCE: _____

(IF OVER \$2500) CITY MANAGER: _____

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AGENDA ITEM # 4.7
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #13 to the FY 2004-05 Budget to Increase Appropriations in the Police Department for Purchase of Replacement Mobile Data Computer Software.

PREPARED BY: Michelle Wareing DEPT HEAD OK  CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City Council approve Budget Amendment #13 to the FY 2004-05 Adopted Budget to increase appropriations in the Police Department for Purchase of Replacement Mobile Data Computer Software?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #13.

INFORMATION SUMMARY

On October 26, 2004, City Council approved Budget Amendment #3, which increased appropriations in the Police Department by \$414,958 for purchase of new Mobile Data Computers (MDCs), purchase of new "SmartZone" portable radios, and digital video systems for each of the patrol vehicles. The new MDCs were needed as the existing MDCs were incapable of running industry standard operating systems required to run the authentication and encryption software necessary for compliance of new U.S. Department of Justice requirements. A grant of \$164,958 was received to offset a portion of the total cost.

At the time of the October budget amendment, Police Department staff had not received from Washington County Communication Agency (WCCCA) the costs for the software necessary to bring the City's MDCs into compliance with the new Federal security requirements for radio-based LEADS data transmissions. This pricing information has now been provided and the City is ready to proceed with the purchase. The total cost is \$66,061, which includes \$26,350 for the software licenses and \$39,711 for the Motorola modems. This amount is in addition to the funds appropriated by Budget Amendment #3.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #13.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with Attachment A.

FISCAL NOTES

This action will transfer \$66,061 from the General Fund Contingency to the Police Department budget, Community Services Program, for the funding of the security software licenses and modems.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE POLICE DEPARTMENT FOR PURCHASE OF REPLACEMENT MOBILE DATA COMPUTER SOFTWARE

WHEREAS, the City Council approved the purchase of new Mobile Data Computers (MDCs) for Police vehicles on October 26, 2004; and

WHEREAS, specific security software is required to receive radio-based LEDS data transmissions on the new MDCs; and

WHEREAS, the cost of security software licenses was unknown at the time of purchase of the MDCs; and

WHEREAS, the FY 2004-05 Adopted Budget does not include appropriations for purchase of the security software and modems.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2004-05 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase appropriations in the Police Department, Community Services Program, in the amount of \$66,061 and to decrease General Fund Contingency by the same amount.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2004-05
Budget Amendment # 13

FY 2004-05 Revised Budget	Budget Amendment # 13	Revised Revised Budget
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General Fund

Resources

Beginning Fund Balance	\$7,751,279		\$7,751,279
Property Taxes	9,398,805		9,398,805
Grants	237,485		237,485
Interagency Revenues	2,435,609		2,435,609
Development Fees & Charges	372,294		372,294
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	184,160		184,160
Fines and Forfeitures	592,840		592,840
Franchise Fees and Business Tax	2,944,042		2,944,042
Interest Earnings	172,500		172,500
Bond/Note Proceeds	0		0
Other Revenues	68,200		68,200
Transfers In from Other Funds	2,145,314		2,145,314
Total	\$26,302,528	\$0	\$26,302,528

Requirements

Community Service Program	\$11,064,110	\$66,061	\$11,130,171
Public Works Program	2,446,197		2,446,197
Development Services Program	2,554,196		2,554,196
Policy & Administration Program	344,706		344,706
General Government	0		0
Program Expenditures Total	\$16,409,209	\$66,061	\$16,475,270
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$3,758,056		\$3,758,056
Contingency	\$247,479	(\$66,061)	\$181,418
Total Requirements	\$20,414,744	\$0	\$20,414,744
Ending Fund Balance	5,887,784		5,887,784
Grand Total	\$26,302,528	\$0	\$26,302,528

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Tigard Library Strategic Plan

PREPARED BY: Margaret Barnes DEPT HEAD OK  CITY MGR OK

ISSUE BEFORE THE COUNCIL

Presentation by staff about Mapping the Future: the Tigard Library's Strategic Plan 2005-2010.

STAFF RECOMMENDATION

The purpose of this presentation is to update the Council on the library's completed Strategic Plan, which sets the course for the library for the next five years.

INFORMATION SUMMARY

The Library's five-year strategic plan is the result of six months of planning and community involvement. A committee representing a broad cross-section of the community held two meetings in November 2004 and January 2005 to create the framework for the plan. The citizen committee examined the role the library could play in helping Tigard achieve a community vision. Committee members identified five service priorities for the library to focus on during the next five years:

- Current Topics and Titles
- General Information
- Commons
- Information Literacy
- Cultural Awareness

Library staff developed goals, objectives and activities for each of the service priorities. The document Mapping the Future describes each service priority as well as its goals and objectives. Together, they create a roadmap for the library and its role in satisfying the community's wants and needs for the rest of this decade. The new strategic plan coincides with the first year of the new library's operation and, thus, will help define the library's role in the community.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

1. Set of PowerPoint Slides

FISCAL NOTES

N/A

Mapping the Future The Tigard Public Library's Strategic Plan 2005-2010

Service Priority #1 CURRENT TOPICS

AND TITLES: The Tigard Library will help fulfill the community's appetite for information about popular cultural and social trends and their desire for satisfying recreational experiences.



Service Priority #2

GENERAL INFORMATION: The Tigard Public Library helps meet the need for information and answers to questions on a broad array of topics related to work, school and personal life.

Service Priority #3

COMMONS: The Tigard Public Library provides an environment that encourages people to meet and interact with others in their community and to participate in public discourse about community issues.



Service Priority #4 INFORMATION LITERACY:

The Tigard Public Library helps address the need for skills to find, evaluate and use information effectively.



Service Priority #5

CULTURAL AWARENESS: Tigard Public Library will help satisfy the desire of the community to learn more about its diverse cultural heritage and the cultures of others.

AGENDA ITEM # 6
FOR AGENDA OF April 26, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE An Ordinance Amending Title 14 of the Tigard Municipal Code Adopting Sections AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code – Fire Sprinklers for Apartments Constructed Under the Residential Code and Including Demolition Within the Scope of the Specialty Codes

PREPARED BY: Gary Lampella DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should Council approve an ordinance to adopt the provisions of Sections AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code?

STAFF RECOMMENDATION

Staff recommends approval of the ordinance adopting Sections AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code.

INFORMATION SUMMARY

On August 17, 2004, staff gave an overview to Council on the code adoption process in the State of Oregon for the upcoming year. Part of this update included the adoption of the State of Oregon Residential Specialty Code (ORSC) that is based on the 2003 edition of the International Residential Code. This code was adopted on April 1, 2005 and encompasses certain apartment buildings that were previously constructed under the commercial code, the State of Oregon Structural Specialty Code (OSSC) which was adopted by the State on October 1, 2004.

Prior to October 1, 2004, the City had adopted a sprinkler provision for apartments that were constructed under the previous OSSC. The newly adopted Oregon Structural Specialty Code now requires all apartments to be provided with automatic sprinkler systems so the adoption of this sprinkler provision was unnecessary. However, the new residential code will have provisions for apartment building construction within a narrow scope of work. This will allow two-story apartment buildings to be constructed without the protection of an automatic sprinkler system. This ordinance will essentially bring back the provision that would require apartments over one-story in height, contain a basement, or have more than 16 units to have automatic sprinklers and also regulate altered or damaged structures. These provisions will be status quo to what the City had in place the last several years.

The section of the residential code is adopted by the State of Oregon but only applies if specifically adopted by the local jurisdiction.

This Ordinance also adopts the Specialty Code Name Change in accordance with OAR 918-001-0006. The previous code was identified as the Oregon 1&2 Family Dwelling Specialty Code. The 2005 edition is now called the Oregon Residential Specialty Code.

Previous editions of the residential and commercial structural codes included demolition of buildings within their scope. The State of Oregon Building Codes Division, which is responsible for adopting the statewide codes, has reviewed the scoping provisions of the two codes and has determined that they are in conflict with ORS 455.020. Their position is the statute does not actually state that the codes regulate the demolition of buildings. Therefore, they have eliminated demolition from the respective codes. Section (4) of ORS 455.020 states that a municipality may enact regulations providing for the local administration of the state building codes, local appeal boards, fees and other charges, etc. The statute does not allow a jurisdiction to enforce technical requirements that are different than the state adopted codes, but it permits them to adopt their own administrative rules. This code section is in the Administration chapter and falls within this permitted allowance. The State of Oregon Building Codes Division has given authority for local jurisdictions to adopt provisions to require permits and inspections for demolition of buildings and structures.

Some of the important issues surrounding demolition are the requirements of Clean Water Services to have erosion control measures in place during this work; the City's responsibility to ensure sanitary, water, and sewer lines are properly abated and capped; all electrical wiring connections have been properly disconnected; the projects are adequately barricaded so as to not create a hazard during the demolition; and the site has been properly graded and the debris has been removed.

OTHER ALTERNATIVES CONSIDERED

Do not adopt this and allow non-sprinklered apartments to be constructed.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment 1: Proposed Ordinance

Exhibit A: Proposed Language for TMC 14.04.030

Exhibit B: AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code

FISCAL NOTES

There will be no budgetary impact on the Building Division or the City.

CITY OF TIGARD, OREGON

ORDINANCE NO. 05-_____

AN ORDINANCE ADOPTING THE SPECIALTY CODE NAME CHANGE, SECTIONS AN109.4.2 THROUGH AN109.4.3 OF SUCH SPECIALTY CODE - ALTERNATE FIRE SPRINKLER SYSTEM REQUIREMENTS, AND INCLUDING DEMOLITION IN THE SCOPE OF THE ADOPTED SPECIALTY CODES.

WHEREAS, the State of Oregon has adopted a new residential specialty code on April 1, 2005; and

WHEREAS, Oregon Administrative Rule 918-001-0006 has changed the name from the Oregon 1&2 Family Dwelling Specialty Code to the Oregon Residential Specialty Code; and

WHEREAS, the scope of this code has expanded to include some apartment buildings within a narrow scope; and

WHEREAS, some apartment buildings regulated by this code are permitted to be non-sprinklered; and

WHEREAS, Sections AN109.4 and AN109.4.1 grants authority to the local jurisdiction to adopt the Alternate Fire Sprinkler System Requirements of AN109.4.2 through AN109.4.3; and

WHEREAS, the previous building code regulating these structures required the same level of fire sprinkler protection as required by this new code; and

WHEREAS, it is necessary to adopt these provisions so as not to reduce the level of fire safety for these buildings; and

WHEREAS, the State of Oregon has removed demolition from the scope of the codes; and

WHEREAS, local jurisdictions are granted authority by the State of Oregon to write their own administrative procedures; and

WHEREAS, it is deemed necessary that the City of Tigard require permits for demolition of structures to verify abatement of sanitary, electrical, erosion control and life safety issues,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The City of Tigard adopts the specialty code name change from the Oregon 1&2 Family Dwelling Specialty Code to the Oregon Residential Specialty Code as shown in Exhibit A.

SECTION 2: The City of Tigard adopts the provisions of Sections AN109.4.2 through AN109.4.3 of the Oregon Residential Specialty Code for Alternate Fire Sprinkler System Requirements as shown in Exhibit B.

SECTION 3: The City of Tigard amends Tigard Municipal Code Section 14.04.030 Subsection 1. to include demolition within the scoping provisions of the specialty codes as shown in Exhibit A.

SECTION 4: This ordinance shall be effective immediately after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2005.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2005.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

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- * ~~Strikeouts~~ are deleted language
 * **Bold underline** is revised language

Chapter 14.04 BUILDING CODE.

Sections:

- 14.04.010 Title.
 14.04.020 Definitions.
 14.04.030 State Codes Adopted.
 14.04.040 Administration.
 14.04.050 Repealed By Ord. 96-10.
 14.04.060 Repealed By Ord. 01-25.
 14.04.065 Electrical Program
 Administration.
 14.04.070 Occupancy Restriction
 Recordation.
 14.04.090 Violation--Penalty--Remedies.
- 14.04.010 Title.

This chapter shall be known as the building code ordinance and may also be referred to as "this chapter," or the "building code." (Ord. 86-53 §2(Exhibit A §1), 1986).

14.04.020 Definitions.

For the purpose of Sections 14.04.010 through 14.04.090, the following terms shall mean:

1. Building Official. "Building Official" means the designee or designees appointed by the Director of Community Development who is responsible for building inspections and enforcement of the building code.
2. State Building Code. "State building code" means the combined specialty codes as listed in Section 14.04.030. (Ord. 86-53 §2(Exhibit A §2), 1986).

14.04.030 State Codes Adopted.

1. Except as otherwise provided in this chapter, the following codes, standards and rules are adopted and shall be in force and effect as part of this Municipal Code. **The provisions of these codes, in addition to their individual scoping provisions found therein, shall also apply to demolition of structures, equipment and systems regulated by such codes:**

a. Under the authority of ORS 455.150 (effective 9/5/95), the City of Tigard administers those specialty codes and building requirements adopted by the state which the City of Tigard is granted authority to administer, including: the Structural, Mechanical, Plumbing, Electrical and ~~One and Two Family Dwelling Residential~~ Specialty Codes; mobile or manufactured dwelling parks requirements; temporary parks requirements; manufactured dwelling installation, support and tiedown requirements and park or camp requirements (as listed in ORS 455.153);

b. Appendix Chapter J of the International Building Code, as published by the International Code Council, regarding Excavation and Grading, including the recognized standards for Appendix Chapter J listed in Chapter 35 of the 2003 International Building Code;

c. Section 104.8 of the 2003 International Building Code, as published by the International Code Council, regarding Liability.

d. AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code for alternate fire sprinkler system requirements.

2. At least one copy of each of these specialty codes shall be kept by the Building Official and the Tigard Public Library, and shall be available for inspection upon request. (Ord.

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01-25, Ord. 99-04; Ord. 96-10; Ord. 93-04 §1, 1993; Ord. 90-14 §1, 1990).

14.04.040 Administration.

1. The City shall provide a program of building code administration, including plan review, permit issuing and inspection for structural, electrical, mechanical and plumbing work. The program shall be administered by the Building Official, under the supervision of the Community Development Director. The program shall operate pursuant to the state specialty codes listed in Section 14.04.030 and the remainder of this chapter.

2. Administration and enforcement of Appendix Chapter J, Excavation and Grading, as adopted by Section 14.04.030.1.b., shall be by the Building Official and City Engineer. Where the term "Building Official" is used in Appendix Chapter J, it shall mean either the Building Official or City Engineer.

3. Fees for permits and other related services pursuant to the building code administration program shall be established by resolution of the City Council. (Ord. 99-08; Ord. 96-10; Ord. 95-16; Ord. 93-04 §2, 1993; Ord. 86-53 §2(Exhibit A §4), 1986).

14.04.050 Repealed By Ord. 96-10.

14.04.060 Repealed By Ord. 01-25.

14.04.065 Electrical Program Administration.

1. Permit Required - Except as permitted by OAR 918-261-0000 through 0036 - electrical work exempt from permit, Subsection 14.04.065.15 of this section for minor installations, Subsection 14.04.065.16 of this section for temporary electrical permits and Subsection 14.04.065.17 of this section for

industrial plant electrical permits, no electrical work shall be performed unless a separate electrical permit for each separate building or structure has first been obtained from the Building Official.

2. Expiration of Permits - Permits shall expire pursuant to OAR 918-309-0000 (7).

3. Validity of Permit - The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

4. Revocation of Permits - The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinances or regulation of the jurisdiction.

5. Plan Review Requirements - Electrical plan reviews shall be required. Plan review requirements and procedures shall be as stipulated in OAR 918-311-0000 through 0060.

6. Expiration of Plan Review - Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data

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submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

7. Permit Fees - Fees for electrical permits shall be established by resolution of the City Council.

8. Investigation Fees: Work without a Permit.

a. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

b. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

9. Fee Refunds.

a. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

b. The Building Official may authorize refunding of not more than 80

percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

c. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

10. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this section or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this section which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this section provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

11. Corrections and Stop Orders. When any work is being done contrary to the provisions of this section, the Building Official may order the work corrected or stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and such persons shall forthwith make the necessary

EXHIBIT B

1. Governing language that allows local jurisdictions to adopt these sections of the Oregon Residential Specialty Code

AN109.4 Alternate fire sprinkler system requirements. The requirements of this section are adopted by the State of Oregon for optional use in municipalities.

AN109.4.1 Local adoption. The provisions of AN109.4.2 or AN109.4.3 apply only when specifically adopted by the local authority having jurisdiction.

2. Specific code sections that will be adopted

AN109.4.2 Group R-2 occupancies. An automatic sprinkler system shall be installed throughout every apartment house regulated by this appendix chapter.

Exception: Automatic sprinkler systems are not required in apartment house buildings that are not more than one story in height and do not contain a basement or mezzanine. Such buildings shall not contain more than 16 dwelling units.

AN109.4.2.1 Sprinkler heads. Residential or quick response automatic sprinkler heads shall be used within the dwelling units.

AN109.4.3 Alteration or damage of existing non-sprinklered low-rise residential dwellings. Where substantial alterations are made or substantial damage occurs to an existing non-sprinklered building designed and constructed under the provisions of this appendix, an approved automatic sprinkler system complying with NFPA 13D shall be installed only in the altered or damaged dwelling units. When more than 50 percent of the dwelling units within a building are substantially altered or damaged, the entire building shall be provided with a NFPA 13D sprinkler system.